THE ART OF DEBATE

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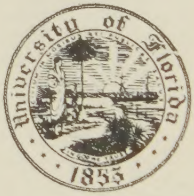

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THE ART OF DEBATE

BY

WARREN CHOATE SHAW, A.M.

PROFESSOR OF PUBLIC SPEAKING
AT KNOX COLLEGE

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Dedicated

TO

THE MEMORY OF

CHARLES W. MOREY

TEACHER, AUTHOR, FRIEND

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PREFACE

THE aim of this book is to furnish students with a new and reliable working-text on the art of debate, complete in every detail, yet without a single page of padding.

This work is the product of the author's twenty years' experience with debating activities, both in the East and in the Middle-West, first as a school and college debater, and then as coach, critic, judge, and teacher of the subject. During all these years, he has sought new methods of explaining and applying old principles. These methods he has tested in the class room and with college debating teams, and the success that has followed their application has led him to put them into permanent form.

This book is unique, not only in its detailed treatment of various subjects, but in its general plan and arrangement.

Part I aims to provide the student at the outset with a firm grasp of beginning principles, so that he may begin at once the intelligent practice of debate in conjunction with his study of the theory.

Part II makes the student familiar with all the instruments of proof before he is expected to handle them in the difficult and highly technical process of analyzing a problem to find the issues. The treatment of beginning principles in Part I has enabled the student, through actual debating practice, to appreciate the value of these minute details in proof.

Part III approaches the whole subject of analysis and brief-drawing from an entirely new angle; that is, from

the angle of *building a case;* and in one essential particular it fills up a great gap in previous texts in that it provides specifically for the investigation of every phase of a debate-subject.

Part IV treats conviction and persuasion as concrete and practical subjects of instruction. It presents under the title of *Speech-Composition* much that is valuable in connection with *all* composition, but more particularly what is valuable to the debater in his special work of composing speeches for debate. It also includes a chapter on *Strategy* which is entirely new in text-books on debate.

The two most unique chapters in the book are undoubtedly the chapter on *Surveying the Proof* and the chapter on *Strategy*. The Phase-System of analysis employed in the chapter on *Surveying the Proof* is the author's original creation. It has been tested by years of application in the class room and by many college debating teams; and it has been called by hundreds of students and college debaters the most valuable contribution for one's life work that a training in debate can give.

The chapter on *Strategy* is one that will make every reader wonder why this subject has been neglected so long by teachers and writers on debate; inasmuch as strategy is one of the most important means by which a debater demonstrates his skill.

This book covers all that is commonly treated in a book on argumentation, and may be used with equal advantage in either argumentation or debate classes; for debate, as it is treated here, is regarded merely as a highly developed and specialized form of argumentation.

For assistance in the work of preparing this text-book, the author wishes to acknowledge his general indebtedness to all previous writers on the subject of debate, as well as to many other writers on the subjects of logic, rhetoric, and

public speaking; but more particularly he wishes to acknowledge his lasting indebtedness to students, debaters, and teaching-assistants with whom he has labored and who have helped him beyond measure by their encouragement.

W. C. S.

November, 1922

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THE ART OF DEBATE

THE ART OF DEBATE

PART I. BEGINNING PRINCIPLES

CHAPTER I

THE NATURE OF DEBATE[1]

Value of Debate. — Debate is an art, which, through the ages, has been considered the chief means of advancement for those who are engaged in the professions of law and politics; but to assume on this account that it may be studied with profit only by lawyers and politicians is greatly to underestimate its value for the ordinary layman.

Debate is an art that develops skill in the process of influencing others to accept or reject belief; and, since no man to-day is ever free from the necessity of defending his own beliefs or of influencing others to reject or modify their beliefs, debate, as an art, is not only valuable to lawyers and politicians, but is just as valuable to all men, whatever their occupations may chance to be.

The study of debate is valuable; because it trains men in quick and accurate thinking; because it develops in them the qualities of assurance and self-reliance; because it helps them to win their daily bread; and because it enables them to rise to positions of leadership among their fellow-men.

[1] For lesson assignments on *The Nature of Debate*, see Appendix A.

Debate as an Art. — Debate is called an art for two very distinct reasons: *First*, because it involves a process that requires skill in its performance; and *second*, because it involves a systematized body of principles intended to develop skill in the performance of that process.

It differs from a pure science, in that its object is not merely to impart knowledge concerning a process, but is rather to impart knowledge and also to develop skill.

Like every other art, debate may be regarded, however, as an applied science; for many of its principles are drawn directly from the basic sciences of law, logic, and psychology.

Debate, furthermore, may be regarded as a composite art; for many of its other principles are derived from the contributory arts of rhetoric and oratory.

Definition of Debate. — The term *debate*, as it is employed in this text, may be defined as *the art of formal and oral controversy*.

Because debate is essentially an art of *controversy*, it involves a process consisting of a struggle between opposing parties to influence others to accept or reject belief; and does not denote the mere struggle that takes place in one's own mind during efforts to determine belief.

Because debate is also an art of *formal* controversy, it should never be regarded as a process of mere wrangling; for in wrangling no formalities are observed, and in fact no art is displayed. Debate, in contrast with wrangling, demands the formality of extended and orderly discourse in the interchange of opinion and argument.

Because, furthermore, debate is an art of *oral* controversy, it is to be distinguished from the allied subject of *argumentation*. To bring out the difference in meaning between these two subjects, argumentation may be defined

as an art that employs either written or oral discourse to accomplish its purpose; whereas, debate is an art that aims to accomplish the same purpose by means of oral discourse alone. Debate, therefore, is a specialized form of argumentation that is confined exclusively to a method of oral expression.

The Purpose of Debate. — The purpose for which debate may be employed is either to demonstrate the superior cleverness or talent of one debater over another, or to influence others to accept or reject belief. If the first purpose is sought, the art of debate degenerates into sophistry or oratorical bombast, and is valuable only as a means of gratifying the vanity of individuals. To promote such a purpose is hardly worthy of the serious effort of teacher or pupil; but to promote the second purpose is among the most worthy objects of education. The only worthy purpose of debate, therefore, is not to demonstrate the superior cleverness or talent of one debater over another; but is rather to influence others to accept or reject belief.

Nature of Belief and Disbelief as the Goals of Debate. — Since belief or disbelief is the goal toward which a debater must strive, it is important that he should understand clearly the meaning of these terms.

Belief and disbelief represent, of course, opposite states of mind; and both are terms used to designate a mental attitude in respect to the alleged truth of an idea.

Belief is used to denote a complete certainty or assurance of truth in respect to an idea; and *disbelief* is used to denote an uncertainty or non-assurance of truth in respect to an idea.

Belief, when based upon reason, may be spoken of as *a conviction;* and, when based upon faith, may be spoken

of as *a persuasion*. *Belief*, *conviction*, and *persuasion*, therefore, are closely synonymous terms.

Disbelief, when based either upon reason or upon lack of faith, may be spoken of as *doubt*. *Disbelief* and *doubt*, therefore, in contrast with *belief*, *conviction*, and *persuasion*, are also closely synonymous terms.

The Twofold Process of Conviction and Persuasion. — For the purpose of influencing belief, debate employs the twofold process of conviction and persuasion. These two terms are used to designate, not only a state of mind synonymous with belief, but also two of the processes by which belief is created or destroyed.

Conviction is a process that creates belief or disbelief through an appeal to reason; and *persuasion* is a process that creates belief or disbelief through an appeal to the emotions. Conviction makes one see the truth; persuasion makes one feel it. Conviction makes the truth clear; persuasion makes it interesting. Conviction drives one to accept the truth; persuasion leads one to embrace it.

Each of these two processes represents a powerful means of influencing others in their beliefs. Neither can safely be ignored; and each should ordinarily be employed to supplement the other.

An example of the difference between these two processes may be found in the different types of appeal employed by a salesman. If he sells his goods by demonstrating their superior quality, he uses conviction; but if he sells his goods by appealing to the pity, sympathy, pride, shame, good-will, or animosity of his customers, he then uses persuasion.

In some instances one of these methods alone might prove effective; but usually a judicious mixture of the two is required.

Proof the Most Fundamental Process in Debate. — Conviction and persuasion are both important processes in debate, but both rely upon the more fundamental process known as proof.

Proof is a term used to designate either the process or the materials by which truth is established. The *materials of proof* are *evidence* and *argument;* and the *process of proof* consists in the presentation of all the evidence and argument necessary to establish truth.

The Relation of Proof to Conviction and Persuasion. — By means of the combined processes of proof, conviction, and persuasion, debate achieves its purpose of influencing others to accept or reject belief.

Proof establishes truth; and conviction and persuasion together give it certainty and assurance.

Proof is entirely impersonal; whereas, conviction and persuasion are altogether personal. Proof is a process that establishes truth without regard to its being understood or appreciated; whereas, conviction and persuasion are processes that make proof intelligible and acceptable.

Conviction is a process, therefore, that makes clear the validity of proof; and *persuasion* is a process that creates interest in proof and provides a motive for its acceptance.

Outline of the Study of Debate. — If the student of debate is to acquire a thorough mastery of his subject, he must become familiar with all the theory involved in understanding the nature of proof, the proper methods of selecting and arranging proof, and the principles of conviction and persuasion that govern the effective presentation of proof.

A mere knowledge of theory in connection with proof, however, is not all that is necessary; for the debater is powerless who cannot put his theory into practice.

Throughout the study of this subject, therefore, a debater must constantly seek to combine theory with practice, in order that practice may make theory more intelligible, and in order that theory may make practice more profitable.

With the ideal of combining theory and practice from the very outset in debate, the first part of this book, under the title *Beginning Principles*, contains four chapters, on the nature of debate, choosing the subject, assembling the proof, and making the speech, which are intended to make the student able to begin at once the practice of debate with some firm grasp of its most elementary principles.

The second part of the book under the title, *Elements of Proof*, contains four chapters on the subjects of evidence, argument, fallacy, and refutation; and is intended to make the student familiar with all the instruments of proof that he must necessarily use in debate.

The third part of the book, under the title, *Building the Case*, contains four chapters, on defining the terms, surveying the proof, finding the issues, and drawing the brief; and is intended to make the student familiar with all the processes necessary in building up a case for presentation in debate.

The fourth part of the book, under the title *Making the Plea*, contains also four chapters, on the subjects of conviction, persuasion, speech-composition, and strategy; and is intended to make the student able to present his case in debate in the most effective manner for accomplishing the purpose of influencing others to accept or reject belief.

False and True Conceptions in Regard to the Study of Debate. — As a student approaches the subject of debate, he must disabuse his mind of three common and very false conceptions of the subject. He must, for example, put

out of his mind the discouraging thought that debaters are only born and not made; for this theory has been disproved by a countless number of instances in which men of little promise have become effective debaters through long training and rigid discipline. He must put out of his mind, also, the thought that successful debating is a product of mere horse-sense and momentary inspiration; for the whole long history of debate, as it has been practiced from the earliest times, is literally strewn with the wrecks and failures of those who have adopted this theory. And, finally, the debater must put out of his mind the thought that, with the knowledge of one or two principles, and with a little superficial coaching by his friends, he may become an experienced debater, who is master of his subject and who is ready to meet any emergency. All these conceptions of the art of debate are utterly false, and only lead to disappointment and failure.

What the debater should carry in mind constantly throughout his study is that the art of debate includes many difficult and technical theories that he must master; and that, in order to acquire proficiency in their use, he must enter upon a long period of training, involving the most rigid self-discipline, with its keynote expressed in the words of Demosthenes: "Practice! Practice! Practice!"

CHAPTER II

CHOOSING THE SUBJECT[1]

Importance of Choosing Wisely a Subject of Debate. — None of the problems arising in debate is more important than the choice of a proper subject; for, if the subject of debate is chosen unwisely, it is sure to occasion much difficulty and serious misunderstanding. In some cases, for example, the unwise choice of a subject shifts debate away from the very points intended for discussion; in others, it opens the way to shallow quibbling or petty strategy; and in still others, it makes debate itself impossible. No pains should be spared, therefore, by the student of this art in choosing wisely proper subjects for debate.

Distinction between Subjects of Debate and Other Subjects. — A subject of debate is the subject of an argumentative form of discourse; and as such it differs materially from the type of subject commonly employed in other forms of discourse. Description, Narration, and Exposition, for example, are non-argumentative forms of discourse, and may employ mere terms as their subjects; but debate, since it involves the use of argumentative discourse, must employ as its subject a proposition rather than a mere term.

Definition of the Proposition. — The proposition as subject of debate is the main statement of alleged truth to be proved or disproved by the parties in controversy.

[1] For lesson assignments on *Choosing the Subject*, see Appendix A.

Technical Names of the Proposition. — Under various circumstances the proposition is known by a variety of technical names. In ordinary controversies and in school debates it is frequently called the *question;* in parliamentary assemblies it takes the form of a *resolution* or a *motion;* and in courts of law it is termed the *pleadings.* In any form, however, and under all circumstances, the nature of the proposition is essentially the same.

Distinction between a Proposition and a Term. — The distinction between a proposition and a term is that a proposition is a complete declarative sentence expressing a judgment; and a term is a single word or phrase expressing a concept or naming a thing. To illustrate: *A jury, three fourths of a jury, a verdict, competency to render a verdict,* and *competency to render a verdict in all criminal cases* are terms; whereas, *three fourths of a jury should be competent to render a verdict in all criminal cases* is a proposition.

Theoretical Necessity for the Proposition as Subject. — A proposition, rather than a term, is necessary as the subject of debate, because debate aims to establish or disestablish an alleged truth. Now truth consists in the actual association of two concepts; and requires, therefore, for its statement a joining of these two concepts by means of a verb that will designate the character of the association. Thus, an alleged truth demands for its expression a complete declarative sentence, or proposition.

Practical Value of the Proposition as Subject. — The proposition as the subject of debate is not only necessary in theory, but is also extremely valuable in practice; for by means of the proposition, which must be affirmed on the one hand and denied on the other, definite sides in a controversy

are established; and endless discussion about matters not in dispute is avoided. Only by means of the proposition can the exact point in controversy be determined by the debaters and be made clear to those whose decision is sought.

Requirements Governing the Subject Matter of the Proposition. — Though any declarative sentence constitutes a proposition, not all such sentences may serve the purpose of the proposition as subject of debate. To serve this purpose well, the proposition should satisfy certain requirements both in regard to its subject matter and in regard to its phraseology. The requirements governing its subject matter are that it must be:

1. Adapted to Proof;
2. Adapted to Controversy;
3. Adapted to the Speakers; and
4. Adapted to the Occasion.

Subject Matter of the Proposition Adapted to Proof. — The *first* requirement in regard to the subject matter of the proposition is that it be adapted to proof. This means simply that the proposition should present a problem for the solution of which it is possible both to obtain evidence and to make a comparatively thorough survey of all the evidence involved.

Propositions like the following obviously violate this requirement:

Resolved: That angels may be sent from heaven to earth without passing through the intervening space; and

Resolved: That the pen is mightier than the sword.

The first of these propositions, though discussed with delight by medieval schoolmen, is obviously one on which evidence is unavailable; and the second, though very com-

monly discussed by later generations of school men and school boys, is one for which a comparatively thorough survey of all evidence is impossible. Neither, therefore, meets the requirement that its subject matter be adapted to proof.

Subject Matter of Proposition Adapted to Controversy. — The *second* requirement in regard to the subject matter of the proposition is that it be adapted to controversy. To satisfy this requirement, the proposition must not be altogether one-sided or capable of demonstration like a theorem in geometry, but must rather involve a problem about the solution of which there are at least two points of view and a definite clash of opinion with plausible evidence and argument on both sides. In other words, the proposition must present some possibility of proof on both its affirmative and negative sides.

A proposition that obviously violates this requirement is:

Resolved: That the date of Washington's birth was February 22, 1732.

Subject Matter of Proposition Adapted to the Speakers. — The *third* requirement for the subject matter of the proposition is that it be adapted to the speakers. Such a requirement means that the proposition should not involve a problem that is beyond the intellectual capacity of the speakers to handle. In other words, the proposition should not demand of the speakers a technical knowledge that they are unable to acquire within a reasonable period of preparation for debate. To fulfill this requirement most satisfactorily, the proposition should usually involve a discussion of matter that is already somewhat familiar to the speakers.

As an example, the following proposition obviously violates this requirement, when considered in reference to speakers who are wholly unfamiliar with the problems of finance:

Resolved: That Congress should prohibit by law all speculation in foodstuffs.

Subject Matter of Proposition Adapted to the Occasion. — The *fourth* and last requirement for the subject matter of the proposition is that it be adapted to the occasion. This means that the proposition should be timely; that it should deal with a problem of current interest; and that it should touch, at least, the curiosity, and, if possible, the special interests of those to whom it is addressed.

To illustrate: The following proposition, if debated before a conference of labor-leaders, would obviously violate this requirement; whereas, if it were debated before a conference of college presidents, it might prove highly satisfactory:

Resolved: That American colleges should substitute intramural for inter-collegiate athletics.

Requirements Governing the Phraseology of the Proposition. — If the proposition is to be suitable for debate, it should satisfy requirements, not only in respect to its subject matter, but also in respect to its phraseology. The requirements which, so far as possible, should govern its phraseology are that it be:

1. Single;
2. Specific;
3. Clear;
4. Concise;
5. Positive;
6. Unprejudiced; and
7. With the Burden of Proof on the Affirmative.

The Proposition Made Single. — Since it is plainly impossible to discuss satisfactorily two distinct solutions of two distinct problems at the same time, the first requirement for the phraseology of the proposition is that it be single. The proposition must be single, in that it presents a single solution for a single problem or for a single set of related problems.

Under this requirement a simple or complex sentence, rather than a compound one, is desirable, although not absolutely necessary. If a compound grammatical construction is unavoidable in order to state the component parts of the single solution that is offered, such a construction does not destroy the singleness of the proposition in the sense in which this term is used.

To illustrate: The following proposition is objectionable, because it advances two distinct solutions for two distinct problems:

Resolved: That ex-Presidents of the United States and members of the President's cabinet should be given seats in the United States Senate with all the privileges of membership except the right to vote.

The following proposition, however, is not objectionable, because it advances a single solution involving two related component parts to meet a single problem: —

Resolved: That the President of the United States should be elected for a term of six years and be ineligible for reëlection.

The following proposition, though perhaps technically within the rule, is nevertheless objectionable, because the single sweeping program for the solution of a single problem involves too many diverse and complicated component parts:

Resolved: That the present income-tax laws should be abolished by substituting for them a program of international disarmament, and a system of taxation that provides for tempo-

rary needs by a sales tax, a tax on money in banks, and a provision in the franchises of public utility corporations that the government shall claim a fixed per cent of their gross earnings, to be followed eventually by the adoption of the single tax.

The Proposition Made Specific. — The *second* requirement for the phraseology of the proposition is that it be specific. This requirement means that the proposition should be as free as possible from vague and sweeping generalities.

A debatable generalization is among the most difficult of all propositions to establish and is often used merely to hide the actual proposition to be discussed. The reasons, therefore, for insisting that a proposition be specific are:

1. To prevent the Affirmative from assuming a burden of proof too great for it to carry; — and

2. To prevent the tricky practice of concealing from the Negative the actual proposition to be upheld by the Affirmative.

To make a proposition specific, each general term within it should be replaced by a specific term or be limited in meaning by modifying expressions that make plain all that it implies.

The following proposition is not specific, in that it employs the sweeping general term *all cities in the United States:*

Resolved: That all cities in the United States should be organized under a city-manager form of government.

This proposition forces the Affirmative to assume too great a burden of proof. It would, therefore, be greatly improved if the general term *all cities* were replaced by some such specific term as *Galesburg, Illinois.*

The following proposition is not specific, in that it employs the general term *further*, without specifying the type of restriction that the Affirmative actually intends to ad-

vocate. Such a generality makes possible the concealment from the Negative of the actual specific proposition that must eventually represent the position of the Affirmative:

Resolved: That immigration into the United States from Southeastern Europe should be further restricted.

This proposition would be much improved if it were altered to embody some definite plan like the following:

Resolved: That the United States should further restrict immigration from Southeastern Europe by establishing a commission to regulate the number of immigrants from that region according to the demand for their labor in the industries of the country.

The Proposition Made Clear. — The *third* requirement for the phraseology of the proposition is that it be perfectly clear. The purpose of this requirement is of course to prevent all quibbling about the meaning of the question for debate. To make the proposition clear, no term should be employed in it that may be interpreted with a double meaning; and the main thought in the proposition should never be made doubtful by being expressed in some subordinate grammatical construction.

To illustrate: The following proposition is not clear, because it employs the term *right*, which may be interpreted to mean either *moral right* or *legal right:*

Resolved: That the United States has no right to prohibit the moderate use of light wines and beers.

The following proposition is also not clear, because the main thought in the proposition is placed in a subordinate grammatical construction:

Resolved: That employers as a body should recognize the principle of collective bargaining through representatives of labor's own choice.

This proposition would be much improved if it were altered to read as follows:

Resolved: That employers as a body should recognize the principle that in collective bargaining labor should be unrestricted in the choice of its representatives.

The Proposition Made Concise. — The *fourth* requirement for the phraseology of the proposition is that it be concise. The longer a proposition is, the more likely it is to be misunderstood; and, hence, every unnecessary word should be eliminated; but no expression should be sacrificed that is positively essential to convey the exact meaning of the question in dispute. Though conciseness is desirable in the wording of a proposition, it is secondary, nevertheless, to the requirement that the proposition be specific.

The Proposition Made Positive. — The *fifth* requirement for the phraseology of the proposition is that it be positive. In other words, negative constructions should be eliminated as far as possible from the terms employed in the proposition.

The reason for this requirement is of course obvious; for, if the Affirmative of the proposition is in effect a negation, and if the Negative of the proposition is in effect an affirmation, great confusion concerning the respective sides in the controversy is likely to arise; since with such a proposition the Affirmative seems to deny and the Negative seems to affirm.

To illustrate: Confusion is likely to arise from the use of a negative term in the following proposition because in this proposition the Affirmative supports a negation and the Negative in effect supports an affirmation:

Resolved: That the Transportation Act of 1920 is not a success.

This proposition would be greatly improved if it were altered to read:

Resolved: That the Transportation Act of 1920 is a failure.

The requirement that a proposition be positive in phraseology is not absolutely imperative; for in some instances there is no positive term that can be substituted for the negative term, and in other instances it is impossible to make the terms of the proposition positive and at the same time place the burden of proof where it belongs on the Affirmative. This requirement, therefore, frequently has to yield to the exigencies of the language and to the more important requirement about placing the burden of proof.

The Proposition Made Unprejudiced. — The *sixth* requirement for the phraseology of the proposition is that it be unprejudiced. This does not mean that the proposition shall not contain matter that touches the prejudices of the speakers and the audience in debate; but it does mean that the proposition must contain no modifying expressions applied to its principal terms about the application of which there may be controversy, and which if accepted as applied would in themselves determine the controversy. In other words the proposition must not contain within itself matter that creates a pre-judgment, that is, a judgment in advance of the debate, concerning the truth of the question for debate.

Modifying expressions that prejudice a proposition very commonly assume the form of so-called *question-begging epithets.*

For example, the question-begging epithet *thoroughly inadequate* as employed in the following proposition makes the proposition prejudiced:

Resolved: That municipal governments throughout the United States should increase the thoroughly inadequate salaries of public-school teachers.

Burden of Proof on the Affirmative of the Proposition. — The *seventh* and last requirement for the phraseology of the proposition is that it must place the burden of proof on the Affirmative. This means that the proposition must be phrased so as to make the Affirmative advocate some change in prevailing opinion or prevailing conditions. Unless the proposition is so phrased, the first speech in debate, which is always given by the Affirmative, will fail utterly to provoke a controversy.

The *burden of proof* on a proposition may be defined as the obligation resting on a debater to produce evidence and argument in support of his proposition when what he affirms is contrary to prevailing opinion or prevailing conditions.

If a proposition is so phrased that it agrees with prevailing opinion or prevailing conditions, then it is said to have *the presumption*. This means that the proposition may be presumed to be true until proved false, or to be right until proved wrong.

The *burden of proof* and *the presumption*, therefore, are exactly opposite terms; and every proposition should be so phrased as to put the burden of proof on the Affirmative and the presumption on the Negative.

To illustrate: The following proposition gives the presumption to the Affirmative and the burden of proof to the Negative, because it agrees with prevailing opinion and prevailing conditions, and hence is poorly phrased:

Resolved: That in the United States women should be given equal suffrage rights with men.

This proposition would be correctly phrased in respect to the burden of proof and the presumption, if it were made to read as follows:

Resolved: That the amendment to the Federal Constitution granting equal suffrage to women should be repealed.

Sources of Propositions for Debate. — Propositions employed in debate are derived commonly from two sources. Either they are discovered ready-made, or they are formulated from some general topic of discussion.

Sources of Ready-Made Propositions. — For the discovery of ready-made propositions, the student may turn to two different sources. One of these is found in the lists of propositions published in the appendices of books on argumentation and debate; and the other is in controversial articles in newspapers, magazines, and pamphlets.

The first of these sources is likely to prove unsatisfactory because printed lists of propositions soon become antiquated. The student, therefore, in most cases will depend upon controversial articles in newspapers, magazines, and pamphlets.

The most prolific source of good ready-made propositions will probably be found in the editorial pages of the best newspapers and periodicals, in contributed articles that appear in current-event magazines, and in the published platforms of political parties and similar organizations.

Formulation of Propositions for Debate. — Since propositions are not always found ready-made, but are suggested rather by some general topic of discussion, the student of debate ought to be able to formulate a proposition for himself.

The process involved in the formulation of a proposition consists of four steps as follows:

1. The selection of a general problem.
2. The selection of a specific problem included within the more general problem.
3. The drafting of a declarative sentence expressing a solution of the specific problem.
4. The revision of the proposition according to the requirements for subject matter and phraseology.

For example, under the first step in the process of formulating a proposition, the debater might say he was interested in:

The Problem of Labor vs. *Capital.*

Under the second step, he might select the particular phase of this general problem represented in the more specific problem of:

How the public is to be protected from injury in the strife of these two factions.

Under the third step, he might draft a declarative sentence to the effect that:

The Kansas Court of Industrial Relations offers a solution of the problem.

Under the fourth step, he might revise this proposition to read as follows:

Resolved: That the State of Illinois should establish a court essentially similar to the Kansas Court of Industrial Relations.

Two Common Types of Proposition. — The two most common types of proposition encountered in debate, for which very different methods of proof are demanded, are:

1. Propositions of Fact
2. Propositions of Policy

Propositions of Fact. — A *proposition of fact* consists of any statement that affirms or denies: (1) The existence of

things; (2) the occurrence of acts; (3) the classification of objects; or (4) the connection of events.

The following statements are examples of propositions of fact:

Resolved: That there is such a thing as telepathy.

Resolved: That Bacon wrote the plays of Shakespeare.

Resolved: That Aaron Burr was guilty of treason.

Resolved: That the World War was the result of mistakes made at the Congress of Vienna.

Propositions of Policy. — A *proposition of policy* consists of any statement that affirms or denies that a specified course of action, in preference to other possible courses of action, should be adopted.

The following statement is an example of a proposition of policy:

Resolved: That New York State should abolish the system of popular election of judges.

Propositions of Policy Best Suited for Debate. — In debate on propositions of policy many different propositions of fact must become subjects of controversy. Propositions of policy, therefore, are broader in scope than individual propositions of fact and afford far greater opportunities for practice in debate. For this reason they should be preferred to propositions of fact in the choice of subjects for debate.

Summary. — To summarize the theory pertaining to the proposition as subject of debate, it may be said that, if the debater is to choose a proposition wisely, he should know:

1. What a proposition is;
2. How it differs from subjects commonly employed in non-argumentative types of discourse;

3. Why it is important:
4. What requirements it should meet both in regard to subject matter and in regard to phraseology;
5. Where it may be found;
6. How it may be formulated; and
7. Which of its two principal types is to be preferred for practice in debate.

CHAPTER III

ASSEMBLING THE PROOF[1]

Assembling the Proof the Second Step in Debate. — After the choice of a proper subject for debate, no time should be lost by the advocates of either side in proceeding at once to assemble proof in support of their opposing views. The second step in preparation for debate, therefore, may be known as the process of assembling proof.

Value of Well-Ordered Plan of Procedure in Assembling Proof. — No part of the preparation for debate is more essential to success than the process of assembling proof, and yet no one of the many processes employed in debate is more commonly undertaken in a haphazard way.

A very common practice among debaters, for example, in an investigation of their subject is to go at once to a library; pick from the shelves any books that may contain articles relating to their subject; read voluminously until they are exhausted; take many notes; and then consider their preparation to be complete.

This method of preparation often leads the debater to read much that has nothing to do with the subject; to cover again and again the same points in controversy; and to miss others altogether that may be much more important. Then, finally, he awakens to a realization, when it may be too late, that he is unprepared to meet his opponent on some of the most vital points that may arise in the debate.

[1] For lesson assignments on *Assembling the Proof*, see Appendix A.

The result of such a haphazard method of procedure is to make many inexperienced debaters regard the process of assembling proof as one of the most uninteresting, blind, and discouraging problems to be faced in the whole art of debate.

This process, however, when undertaken according to a definite, well-ordered plan of procedure, need be neither uninteresting, nor blind, nor discouraging; but, on the contrary, may be one of the most highly interesting, clear, and even fascinating processes that the debater must employ.

Plan of Procedure in Assembling Proof. — A generally approved and well-ordered plan of procedure in assembling proof involves the following steps:

1. A Definition of Terms Involved in the Proposition;
2. The Construction of a Bibliography;
3. The Establishment of Guides to Direct Research;
4. The Adoption of a Systematic Method of Note-taking;
5. A Study of Both Sides of the Question;
6. The Arrangement of Proof in Chains of Reasoning;
7. A Trial of Proof in a Preliminary Discussion; and
8. A Repetition of the Foregoing Process for Every Subhead in the Various Chains of Reasoning.

Definition of Terms. The first effort of the debater in the actual work of investigation should always be to understand the exact meaning of his proposition; for any failure to interpret fully and accurately the meaning of a subject for debate is almost sure to result in inadequate or misdirected preparation.

This step in preparation for debate is called *the definition of terms*, but it might just as accurately be called *an exposition of the meaning of terms;* because it demands usually, not only a concise definition such as is found in dictionaries, but

also a more elaborate and detailed explanation such as is found in encyclopedias.

The student of debate, therefore, should undertake the process of definition, *first*, by consulting dictionaries, and, *second*, by consulting encyclopedias or other works of general reference.

Books of general reference with which every debater should be familiar are:

The Statesman's Year Book;
The Congressional Record;
The United States Census Reports;
Statistical Abstract of the United States; and
The World Almanac.

When full and accurate definitions cannot be obtained from dictionaries, encyclopedias, and books of general reference, then the student should consult technical treatises, official documents, and published abstracts or synopses of new and complicated subjects.

Technical treatises within any special field may be discovered under the title of this field in library catalogues.

Official documents may be obtained through public libraries, or by application to the departments issuing such documents, or in the case of federal documents by application to one's Congressman.

Abstracts and synopses of subjects that arise in current events may usually be found in newspapers and periodicals.

The debater should be familiar with each of these various sources of definition; for at one time or another he may be called upon to use them all.

Bibliography. — After obtaining a general knowledge of a subject by defining its terms, the debater is then prepared to undertake a more specific investigation of his problem. To make this investigation thorough, however, he should begin

as early as possible to construct a complete bibliography; for, in this way, he may lay out in advance a comprehensive course of study.

A good debater's bibliography, when complete, will contain much valuable information, such as, for example, the names of books or articles containing material on his subject, the names of their authors, the date of publication, and exact page references, with also some statement about the value and application of the material presented, and some statement concerning the qualifications of the writer as an authority on his subject.

For the purpose of constructing bibliographies, the debater should be familiar with the following sources of reference:

Bibliographies appended to articles in encyclopedias;
Library catalogues;
Poole's *Index to Periodical Literature;*
The Reader's Guide to Periodical Literature; and
The New York Times Index.

When an article or book appearing in a bibliography has been found to contain valuable material, then the debater should seek to place against it in the bibliography some comment concerning the qualifications of its writer as an authority. This information may be obtained usually in such standard works as:

Lippincott's *Biographical Dictionary;*
Dictionary of National Biography;
Appleton's Cyclopedia of American Biography;
Who's Who;
Who's Who in America; and
The Congressional Directory.

Guides for Directing Research. — Before the debater proceeds very far in reading the books and articles contained

in his bibliography, he will feel the necessity of having some definite guides in his research to prevent him from reading over and over again the same information as it is presented by different writers, and to prevent him also from overlooking important information that might escape him if his reading were governed by chance.

These guides for his research will differ according as his proposition is a proposition of fact or a proposition of policy. In investigating a proposition of fact, the debater should seek answers to the following questions:

1. Are there any good witnesses or authorities who vouch for the truth or falsity of the proposition?
2. Is there any general theory by which the truth or falsity of the proposition could be demonstrated?
3. Are there any facts prior to the alleged fact in the proposition that would prove the alleged fact to be true or false?
4. Are there any facts subsequent to the alleged fact in the proposition that would prove the alleged fact to be true or false?
5. Are there any examples or analogous instances that would prove the alleged fact to be true or false?
6. Is there any counter proposition that is more likely to be true?

In investigating a proposition of policy, the debater should seek answers to the following questions:

1. What is the purpose of the proposed change in policy?
2. Wherein does the proposed policy differ materially from the present policy?
3. Is there any need of a change from the present policy?
4. Would the proposed policy accomplish its purpose?

5. Would the proposed policy be more detrimental than beneficial?
6. Would some substitute for the proposed policy accomplish its purpose more satisfactorily than the proposed policy?

Note-Taking. — Little need be said to experienced debaters about the necessity of taking notes on valuable material related to their subject, but much should be said to beginners about the prime importance of this part of their work.

The chief faults of beginners in this respect are: that they trust too much to memory; they fail to note the sources of their information for future reference and verification; they copy slavishly from others instead of digesting material to get its vital points; and they are then satisfied to leave their notes in such a disorganized form that soon the debaters, themselves, cannot make use of them.

The first principles of note-taking are, therefore, that the debater should always approach his work of investigation with note-paper and pencil in hand; he should allow no material to pass without a note if it has any possible value; he should always record against material the exact source from which it is taken; *i. e.*, for example, the author, book, volume, and page; and then instead of writing out in full the information he has obtained, he should condense it, without altering its meaning, to get only the part that is valuable.

At first, notes should be taken in scrap form, but they should never be allowed to remain in this shape; for many notes, no matter how valuable they are in themselves, if they are left in a state of confusion, are often more of a hindrance than a help to the debater.

A convenient and systematic method of keeping notes is to employ a loose-leaf notebook or card-index with appropriate

headings for each page, or each card, to catalogue the material.

Headings that may be employed to advantage in taking notes on any proposition are:

1. Definitions
2. Bibliography
3. History of the Case
4. Authorities
5. Theories
6. Examples, Illustrations, Precedents
7. Statistics
8. Counter propositions

Special headings that may be employed with peculiar advantage in taking notes on propositions of policy are:

1. Defects of Present Policy
2. Operation of Proposed Policy
3. Beneficial Results of Proposed Policy
4. Detrimental Results of Proposed Policy
5. Comparative Benefits of Proposed and Substitute Policies
6. Comparative Detriments of Proposed and Substitute Policies

These headings, of course, are not suggested as exhaustive; but they, at least, indicate the general fields of research into which the debater should push his investigation. As more specific topics are discovered under these general heads, they should be added to the cataloguing system.

The Study of Both Sides. — If the debater has constructed a complete bibliography and then has followed faithfully the system of guides and note-taking recommended above, there is little excuse for his failure to become acquainted with all the proof that may be advanced on both sides of his

case; and yet no mistake is more common, especially among beginners, than to confine their research only to their own side of the question.

Such one-sided preparation is generally due to the fact that a debater becomes so intent on proving his own case that he ignores the possibility of opposition; or he scorns so thoroughly all the views of his opponents that he disdains even to consider them.

Neglect to examine an opponent's case, however, often leads to the most disastrous consequences; because it leaves the debater, in emergencies, to depend almost entirely on inspiration; and nothing in debate is quite so unreliable as inspiration.

Instead of ignoring or disdaining an opponent's case, a debater should seek rather to understand it thoroughly in order that he may know upon what points there is a direct clash of opinion; and also in order that he may prepare his own case to meet and overthrow the opposition.

One of the most important principles to be observed, therefore, in the use of a bibliography for the purpose of assembling proof, is that the debater should examine, not only references that are favorable to his particular side of the question, but all references whether favorable to one side or the other.

Chains of Reasoning. — By following the guides for research and by reading widely on both sides of the question, a debater may gather much valuable proof. Then, if he assorts this proof as suggested under appropriate heads in note-taking, he may preserve it in such a way that its intended application will always be apparent.

Proof that is left in the form of ordinary notes, however, cannot easily be inspected to determine whether it is ade-

quate in every detail; and, hence, some further system of organizing proof is necessary to guide the debater in an exhaustive investigation of his subject. Such a system is provided in what may be called *chains of reasoning*.

A *chain of reasoning* is a system of recording proof by reducing it to a series of propositions arranged in the form of heads and subheads in such a way that each subhead reads as a reason for the truth of the major head immediately above it.

An illustration of the method by which proof is reduced to chains of reasoning is found in the treatment of the following excerpt, taken from an article by Louis Graves, entitled *Relative Values in Prohibition*, published in the *Atlantic Monthly* for April 1921:

"There is no blinking the truth," says this article; "the Volstead Act is being generally violated. But say the prohibitionists, so is every law. Checks are forged, houses are set fire to, men are murdered, property is stolen — the newspapers tell of such things every day. Because these crimes are committed, no one proposes that the laws against them be repealed. Why then seek to throw discredit upon the dry law because it is not enforced to perfection? So runs the reasoning. The final point is the familiar list of benefits that have flowed from prohibition even in regions where it was received unwillingly — fewer arrests, less vagrancy, a decrease in the population of almshouses and asylums, a bigger share of the family's weekly revenue available for the wife and children, better economic and social conditions all around."

This material, when reduced to chains of reasoning, takes the following form:

I. The laws providing for national prohibition should not be repealed; for

A. There is no need of a change from our present policy; for
1. The failure to enforce the Volstead Act to perfection does not involve an evil sufficiently serious to warrant its repeal; for
(*a*) When other laws fail to eliminate the crimes they are intended to check, no one thinks it necessary to repeal them; for
(I′) No one thinks of repealing the law against forgery on the ground that, daily, checks are being forged; and
(II′) Similarly no one thinks of repealing the law against arson on the ground that, daily, houses are being set on fire; and
(III′) Similarly no one thinks of repealing the law against murder on the ground that, daily, murders are being committed; and
(IV′) Similarly no one thinks of repealing the law against thieving on the ground that, daily, property is being stolen.

B. A repeal of the prohibition laws would bring about many detrimental effects; for
1. A repeal of these laws would destroy many economic and social benefits that have arisen from prohibition; for
(*a*) A repeal of these laws would increase the number of arrests; for
(I′) Prohibition has operated to reduce arrests.
(*b*) A repeal of these laws would increase the amount of vagrancy; for
(I′) Prohibition has operated to reduce vagrancy.

(*c*) A repeal of these laws would increase the population of almshouses and asylums; for
(I′) Prohibition has operated to reduce the population of almshouses and asylums.

(*d*) A repeal of these laws would reduce the share of the family's weekly revenue for the wife and children; for
(I′) Prohibition has operated to increase the share of wife and children in the family's weekly revenue.

This method of organizing proof is especially valuable to the debater in undertaking an exhaustive study of his subject; because it enables him to examine each step in his reasoning, and to determine at just what points his proof needs further development.

Preliminary Discussion. — The very best means of determining whether proof requires further development are: *First,* to examine it carefully in chains of reasoning; and *then* to subject the proof in these chains of reasoning to the actual test of preliminary discussion.

No one is quite so keen as an opponent to pick out the points of weakness in one's proof; and, hence, the first duty of a debater is to find some friend who will be a merciless critic and a savage foe of all that he has to say. Let these two friends, then, struggle over every point that is advanced; and finally, when they agree, the proof that is selected as the outcome of such controversy will usually be capable of meeting any emergency that may arise.

Repetition of the Process for Successive Heads in Chains of Reasoning. — The first seven steps suggested at the beginning of this chapter for orderly procedure in assembling proof

provide a systematic method of gathering proof for any proposition; and if these several steps are repeated in connection with every proposition that appears in the debater's various chains of reasoning, then the debater may proceed with full assurance that the preparation of his case is complete.

CHAPTER IV

MAKING THE SPEECH[1]

Importance of the Speech. — The three outstanding problems in debate are: *First*, choosing the subject; *second*, assembling the proof; and *third*, making the speech. Of these three problems, that of making the speech represents the culmination of all other efforts in debate.

No one of these problems is, of course, more essential than another; and yet the problem of making the speech must be recognized as all-important; since the others are merely preparatory for this; and since success or failure must depend eventually upon the way in which this problem is met.

The Beginner's Difficulties in Making the Speech. — Making the speech presents no greater difficulties than other problems in debate; but these difficulties, nevertheless, are frequently very embarrassing, especially to beginners; because they do not know how the speech should be prepared; what method of presentation should be adopted; or what style of speaking should be cultivated. The difficulties to be considered, therefore, in the problem of speech-making revolve about:

1. The Preparation of the Speech;
2. The Method of Presenting the Speech; and
3. The Style to Be Cultivated in the Speech.

[1] For lesson assignments on *Making the Speech*, see Appendix A.

I. Preparation of the Speech

The Preparation of the Speech. — The two most valuable suggestions that can be made concerning the preparation of a speech are: *First*, that it should be built around only three or four main points; and *second*, that it must be composed from an outline.

Value of Having Only Three or Four Main Points. — The value of having only three or four main points consists in the fact that audiences generally cannot carry in mind any larger number of points; and, within any ordinary time-limits for speaking, no more than this number of points can be adequately treated.

Selection of the Main Points. — The *first* problem in preparing for a speech, therefore, is to select the main points about which the speech is to be built. This selection may very easily be made: *First*, by selecting several points that may be used to summarize the proof on either side; that is, points which serve as main heads in all the different chains of reasoning leading to the proof or the disproof of the proposition; then *second*, by selecting from these summarizing points, those on which there must be a clash of opinion between the parties; and *third*, by selecting from these points of clash, those three or four points upon which the speaker has a burden of proof. Such points may always serve as satisfactory main points about which to build a speech.

Value of an Outline. — The *second* most valuable suggestion for preparing a speech is that it must be composed from an outline.

This suggestion is, of course, quite familiar to all students of either written or oral composition; and yet it cannot be repeated and emphasized too often; for, of all the good ad-

vice that was ever given, none is more consistently ignored than this, especially by beginners in writing and speaking, who are the very persons who need it most.

Every conceivable method is employed by beginners to avoid carrying out this suggestion. Sometimes speeches are composed without any outline at all; sometimes the outline is made after the speech is written or delivered; and sometimes a partial outline is attempted and then thrown away without being used.

All these makeshifts to escape the task of planning out one's work in advance are adopted with the thought that an outline merely adds to the difficulty of preparation without contributing anything to the final result. Such a theory, however, is contrary to general experience, and the beginner will soon realize how misleading it is, after he has failed again and again to say in a speech what he should have said or what he hoped to say, merely because he refused to compose his speech from an outline.

An outline, therefore, is valuable to a debater, because it makes him prepare in advance what he has to say. It makes him realize whether or not he has anything to say; just what he has to say; the order in which he should say it; and how little time he has for saying any of it.

Structural Outlines and Brief-Outlines. — In the process of building an outline there are generally two distinct stages of development. The first stage is that in which the general divisions and subdivisions of the speech are established; and the second stage is that in which specific material is introduced under each of the general divisions and subdivisions.

An outline in the first stage of development is called a *structural outline*; and an outline in the second stage is called a *brief-outline*.

Main Divisions of a Structural Outline. — The three main divisions of a speech that will appear in a structural outline are:

The Introduction;
The Discussion; and
The Conclusion.

The purpose of the Introduction is to announce the main points in controversy, to create an interest in these points, and to make plain the reasons for their selection.

The purpose of the Discussion is to advance proof for, or against, the main points in controversy.

The purpose of the Conclusion is to recall these main points in controversy, to review the proof offered by both sides in a discussion of these points, and to appeal for a favorable decision on the proposition as it has been proved or disproved by these points.

Structural Outline of the Introduction. — A structural outline for the Introduction of a speech will usually involve the following subdivisions:

INTRODUCTION

1. The Importance of the Case;
2. The History of the Case;
3. A Definition of Terms;
4. An Exclusion of Irrelevant Matter;
5. An Exclusion of Admitted Matter;
6. A Statement of Points at Issue; [1]
7. A Statement of Points to Be Proved or Disproved by an Opponent; and
8. A Statement of Points to Be Proved in One's Own Case.

[1] For exhaustive study of *issues*, see pages 185–202.

The outline given above is somewhat elaborate, because it suggests all the material that may be given in the Introduction to the first, or opening, speech in a debate. Under some of its subdivisions, little or nothing need be said in some cases, but all of these subdivisions are included to show the general order in which the various points should be taken up.

For all speeches after the opening speech, the outline for the Introduction will be much more brief than that given above, because the debater may agree with many of the statements made by preceding speakers under the topics indicated, and no advantage would be gained from a mere repetition of these statements. The general order in which any of these points should be raised, however, is the same for all Introductions.

Content of the Outline for the Discussion. — The content of the outline for the Discussion in a speech is determined rigidly by the points announced for proof or disproof in the Introduction. These points should always constitute the main points in the Discussion, and all other points should be introduced into the Discussion only as subheadings in chains of reasoning leading to the proof of these main points. The content of the Discussion, therefore, will consist entirely of chains of reasoning [1] to support one of the sides in the controversy.

Structural Outline of the Conclusion. — A structural outline of the Conclusion will usually involve the following subdivisions:

CONCLUSION

1. A Restatement of the Points at Issue;
2. A Statement of the Points That an Opponent Must Prove or That He Has Failed to Prove;

[1] See pages 30–33.

3. A Summary of Points Proved in One's Own Case; and
4. An Appeal for a Favorable Decision.

Making a Brief-Outline. — The development of a structural outline into a brief-outline demands that specific material be introduced under each of the general divisions and subdivisions of the structural outline.

If this material is to be intelligible, however, each topic must consist, not of mere catch-phrases, but of a complete single sentence or proposition.

In the Introduction and the Conclusion, the main topics will consist of general statements, and the sub-topics will consist of more specific statements that carry out the thought expressed in the general topics under which they are placed.

In the Discussion, the topics and the sub-topics will be arranged in such a way that each sub-topic will read as a reason for the truth of the major topic immediately above it.

The Use of the Outline in Composing the Speech. — When the debater has completed his brief-outline, then he may proceed immediately to the composition of his speech, either by speaking directly from his outline, or by writing out his speech in full.

In either case the outline will be used in much the same way; for each of the main topics in the outline will provide the debater with a topic sentence by which he may begin the various paragraphs of his speech, and the sub-topics under each main topic will provide him with the substance for his paragraphs.

If the debater speaks directly from his outline, he will compose his speech by saying over and over again in various ways the matter presented under each main topic, until he is satisfied that he will never need to be at a loss for a word or phrase to convey his meaning effectively. If, however,

he writes out his speech in full, he will perform the work of composition by writing and rewriting in various ways the matter presented under each main topic, until he is satisfied finally that his mode of expression conveys his meaning most accurately and most effectively.

The Use of the Outline in Delivering the Speech. — The value of an outline does not cease, however, with the composition of a speech, but extends much further in the process of speech-making. If the speaker wishes to be entirely free from notes while delivering his speech, he will do well to memorize his outline in whole or in part, so that at all times he may see in his mind the points he has touched and the points yet to come. This is, of course, the only safe rule for those who speak without notes; but it is also very helpful to those who deliver verbatim a memorized written speech.

II. Special Preparation for Rebuttals

Main and Rebuttal Speeches. — Debate involves always the use of two very different types of speeches: the first being known as a *main speech;* and the second being known as a *rebuttal speech.*

A *main speech* in debate denotes a speaker's first or opening speech, the primary purpose of which is to advance direct proof for the truth of one side of the proposition.

A *rebuttal speech*, in contrast with a main speech, is a speech given in answer to a preceding speech. This type of speech represents the kind of speech that is used to close a debate.

Special Problems in Rebuttal Speech. — A rebuttal speech generally presents to a beginner one of his most puzzling problems; and, hence, this type of speech requires special consideration.

The one rule that must be scrupulously obeyed in making this kind of speech is: *That no new proof shall be included in it except what is demanded to answer the proof of an opponent.*

The chief problems in rebuttal do not arise from this restriction, however; but rather from ignorance on the part of the debater concerning how much of his opponent's proof he should answer; what method he should employ in making his answer; and how the answer may be incorporated into a finished speech.

How Much to Answer in Rebuttal. — At the very outset the debater must be made to realize that no part of his opponent's proof can be neglected. All of it must be taken down in notes at the time it is delivered, and all of it must be answered. If some parts of an opponent's proof have made a deeper impression than other parts, these should be given most attention; but no part of an opponent's proof should be neglected altogether. The only safe rule to follow is to answer all.

Method of Making a Comprehensive Rebuttal. — It would be impossible, as well as undesirable, to answer individually each statement in the proof of one's opponent, and no such procedure is intended. What is suggested, is that the debater should group the various items of his opponent's proof under main heads, and then direct his answers so far as possible against these more important points, rather than against a countless number of subordinate points. In this way a debater may answer all of his opponent's proof; and yet, at the same time, confine his answers to only a limited number of the points that have been advanced.

Typical Answers Employed in Rebuttal. — To dispose of points in an opponent's proof, a debater must employ some

one of the three distinct answers given below; and any one of these answers, when applicable, is as effective as another.

The *first* answer is: To exclude a point from consideration because it has nothing to do with the question.

The *second* answer is: To admit the truth of a point and shift the debate to a consideration of other points that have greater significance.

The *third* answer is: To meet the point head-on; deny its truth; and prove it to be false.

Structural Outline of a Rebuttal Speech. — A structural outline that may be used in rebuttal speeches will usually involve the following parts:

INTRODUCTION

1. Exclusion of Irrelevant Matter; and
2. Exclusion of Admitted Matter.

DISCUSSION

1. Disproof of Points Remaining at Issue.

CONCLUSION

1. Restatement of the Points at Issue;
2. A Statement of Points That an Opponent Must Prove or Has Failed to Prove;
3. A Summary of Points Proved in One's Own Case; and
4. An Appeal for a Favorable Decision.

III. Methods of Presenting the Speech

Methods of Presenting the Speech. — With beginners a serious problem often arises concerning what method should be adopted for the presentation of a speech. Hence, it is important that they should be familiar with all the different methods that are commonly employed. These methods are:

1. The Impromptu Method;
2. The Reading Method;
3. The Memory Method;
4. The Mixed Method; and
5. The Extempore Method.

The *impromptu method* consists in speaking off-hand without formal preparation either in thought or expression.

The *reading method* consists in reading a prepared speech from manuscript, word for word, as it is written.

The *memory method* consists in rendering word for word a speech that has been memorized.

The *mixed method* consists in part of the memory method and in part of the extempore method.

The *extempore method* consists in speaking directly from an outline without any predetermined order of words.

The Extempore Method Best Suited to Debate. — Of these five methods, each has its advantages and its disadvantages; but, all things being considered, the one method that will be found best suited to debate is the extempore method.

The *impromptu method* should be used only by the most experienced speakers and then only when circumstances prevent the use of any other method. This kind of speaking has the advantage of spontaneity and freedom; but, with this advantage, it has the much more serious disadvantage, that it encourages a superficial, incomplete, long-winded, and inaccurate treatment of the subject.

The *reading method*, likewise, has very little to commend it and much that may be said against it. It encourages, of course, a thorough and accurate treatment of the subject; but at the same time it chills enthusiasm, destroys confidence in the speaker, and prevents altogether a rapid fire

of "give and take" that should characterize all effective debating. This method, therefore, like the impromptu method, should always be avoided in debate.

The *memory method* has much in common with the reading method, since both involve the use of written speeches; but it has, at least, one great advantage over reading, for it may arouse enthusiasm when ably employed and it does create a certain degree of confidence in the speaker. It shares with reading, however, the tremendous disadvantage of putting the speaker into a straight-jacket, confining him so rigidly to set forms of expression that he finds it almost impossible to make any rapid readjustment in his case to meet the demands of constantly changing situations. This method, therefore, while permissible among beginners, should be discarded as soon as possible.

The *mixed method* of speaking is, of course, a compromise between the memory method and the extempore method and has the faults and virtues of each. Its chief virtue is that it permits the careful preparation of those parts of a speech that are most difficult to express and allows perfect freedom of expression in other parts, while at the same time it permits many necessary readjustments of the case while the debate is in progress. Its chief fault, however, is that a transition from a memorized portion of a speech to an extempore portion is most difficult to perform without detection; and, if such a transition is extremely awkward and noticeable, the effect is to destroy confidence in the speaker.

Of all the various methods of making a speech, the *extempore method* is, therefore, the only one that adapts itself to every requirement of debate. Like other methods, it has some disadvantages, the chief of which is that at any time it may lapse into impromptu speaking with all its attendant

evils; but, even with this risk, which is always present, it is far superior to all the other methods; *first*, because it permits the most careful, painstaking, and thorough preparation; *second*, because, when ably handled, it inspires great confidence in the speaker; and, *third*, because it is the only method that permits complete freedom of action in readjusting one's case to meet the demands of constantly changing situations.

Means of Developing the Extempore Habit. — From the very outset in the practice of debate, a speaker should seek to develop the extempore habit. The best means for doing this, of course, are to enter at once upon the practice of this method and to fight off all temptations that lead to the employment of other methods.

If such treatment proves too rigorous, however, and threatens to kill off the patient before establishing the desired habit; then the speaker should be allowed to use the memory method in his main speech, but should always try to use the extempore method in rebuttal. From the use of a pure memory method in the main speech, the speaker may then progress gradually to the use of the mixed method; and, finally, he will find that he is able to discard the memory method altogether, and to rely solely upon the method of speaking extempore.

IV. Style to Be Cultivated in the Speech

The Oratorical *vs.* the Conversational Style. — All speaking in debate may be characterized as exhibiting one or the other of two styles popularly known as the *oratorical style* and the *conversational style*.

The so-called *oratorical style* is developed usually from the habit of delivering speeches by the memory method,

and differs from the conversational style in the fact that it is more or less elaborate, appealing to the emotions.

The so-called *conversational style*, in contrast with the oratorical style, is developed usually from the habit of delivering speeches by the extempore method, and involves a manner that is extremely simple and straightforward, appealing to the intellect.

A great deal has been said about the relative merits of these two styles of speaking in debate; and beginners often wonder, therefore, which style they should cultivate. The answer to this problem is: *that, in some degree, they should cultivate both.*

Debate involves an appeal both to the emotions and to the intellect. Hence, both styles in some degree are desirable. The dominant style throughout the beginning and middle of the speech should be conversational, inasmuch as in these portions of the speech the appeal is chiefly to reason; but in the concluding paragraphs, the style may well become oratorical, because there, if anywhere, the speech should contain an appeal to the emotions.

Directness and Earnestness Most Important in Debate. — Much more important, however, than any dispute between the relative merits of these two styles of delivery is the fact that the debater should always strive to embody in his style the qualities of *directness* and *earnestness.*

To be direct in one's speech demands that a speaker always look straight into the eyes of his audience: that he should avoid looking up at the ceiling, down at the floor, or out into a haze over the heads of his audience. If the speaker's eye avoids the audience, it creates the suspicion that he is insincere or afraid; but, if, on the contrary, it is fixed always on the audience, it not only inspires respect and

confidence, but it also enables the debater to judge the effect of his words and to adjust his remarks to meet all the changing moods of his listeners.

Directness in speech is a great asset to a speaker; and, when this quality is coupled with *earnestness*, it becomes almost irresistible. The debater, therefore, should cultivate also the quality of earnestness. This does not mean, of course, that he should shout and bellow at an audience, or that he should saw the air with gesticulation. It means rather that he should utter each thought as if it were for the moment, at least, the most important thing in the world; and, yet, at the same time, he should utter it with so much reserved force that he will appear to create the impression of being able to say it with a thousand times more emphasis if he only would. *Real enthusiasm* for one's thought and *reserved force* in expressing it are the qualities that make speech *earnest.*

Summary of the Problems of Speech-Making. — The most important problems in making a speech are connected with the proper method of preparation, the best method of presentation, and the style to be cultivated in delivery. When the debater knows how to select the main points of his speech and how to build an outline, and when he has developed an ability to speak extempore, and has cultivated the qualities of directness and earnestness in delivery, then he will have solved these problems; and, thereafter, he should experience less and less difficulty each time he is called upon to make a speech in debate.

PART II. ELEMENTS OF PROOF

CHAPTER I

EVIDENCE [1]

Importance of the Study of Evidence. — From all that has been said in the preceding chapters on beginning principles, it is hoped that the student will be able to undertake intelligently the practice of debate. If, however, the student is to acquire skill in the use of these principles, he must become familiar with all the different elements involved in proof; for proof is the most fundamental process in debate. These elements are *evidence* and *argument*, which represent the means of proof; *fallacy*, which represents a serious defect in proof; and *refutation*, which represents a peculiar form of proof. Among these different elements, evidence is indispensable; and, hence, the study of evidence should be one of the most important subjects for consideration in the art of debate.

Definition of Evidence. — *Evidence* consists of any matter of fact that serves as a basis of proof.

Distinguishing Qualities of Evidence. — To determine what constitutes evidence and what does not, a debater must be able to distinguish clearly the difference between matters of fact and matters of theory, and also between matters of fact that serve, or do not serve, as a basis of proof.

A *matter of fact*, as distinguished from a matter of theory, is concerned with the existence of things, the occurrence of

[1] For lesson assignments on *Evidence*, see Appendix A.

acts, the classification of objects, and the connection between events; whereas, a *matter of theory* is concerned with general laws or principles that may be employed in settling questions of fact or questions of policy.

Not all matters of fact constitute evidence, however, but only those matters of fact *that serve as a basis of proof*. To serve in this capacity, a matter of fact must satisfy two requirements. *First*, it must be employed as a premise in argument; and, *second*, it must constitute a premise that demands no proof beyond the authority of common knowledge or the authority of a competent witness.

Relation between Evidence and Argument. — If the nature of evidence is to be clearly understood, something must be known also concerning the nature of argument.

As has been said, *proof* consists entirely of evidence and argument.

Argument is a process by which the mind is led from one or more assumed or known truths to acknowledge an alleged truth.

The alleged truth that the mind is led to acknowledge through argument is called the *conclusion*.

The mental process, involved in argument, in which the mind passes from the knowledge of one or more truths to the knowledge of another truth, is called *inference*.

The assumed or known truths from which an inference is made are called the *premises*.

These premises express either matters of theory or matters of fact. Whenever an argument is stated in full, one of its premises will contain a statement of the theory involved in the proof, and its other premise or premises will contain a statement of facts. If these facts stated in the premises can be accepted as true with no further proof

than the authority of common knowledge or the authority of a competent witness, then they constitute *evidence.*

Example of Evidence in Its Relation to Argument. — An example of evidence in its relation to argument is found in the following chain of reasoning taken from the proof submitted in Edmund Burke's speech on *Conciliation with the Colonies :*

I. By admitting the colonies into an interest in the British Constitution, peace in America will be restored; for
   A. If peace was restored by this method in Wales, it would also be restored by the same means in America; and
   B. Peace was restored by this method in Wales; for
      1. After the adoption of this policy toward Wales, the Welsh people became transformed from savages into a civilized nation; (Evidence)
      2. Frontier raids upon England from Wales ceased; (Evidence) and
      3. Invasion of Wales from England also ceased. (Evidence)

In this chain of reasoning several arguments are introduced. The first involves the inference between the proposition marked I and the propositions marked *A* and *B*; and the second, third, and fourth involve respectively the inferences between the propositions marked *B* and 1; *B* and 2; *B* and 3.

The propositions marked *A* and *B* are premises of the first argument; and the proposition marked *B* is the conclusion of the latter three arguments.

The propositions marked 1, 2, and 3 are premises for the latter three arguments; and because they require no further

proof than the authority of common knowledge to be themselves accepted as true, *they constitute evidence.*

The propositions marked *A* and *B*, however, although they serve as premises, *do not constitute evidence;* because the proposition marked *A* constitutes theory rather than fact; and the proposition marked *B* constitutes a fact that seems to require further proof than the authority of common knowledge or the authority of a competent witness in order that it may be accepted as true.

Objects to Be Sought in the Study of Evidence. — In the chain of reasoning given above it will be noticed that all of the last subheadings constitute evidence. Every chain of reasoning must be based eventually on evidence; and, hence, it is extremely important that a debater be able to recognize, not only what constitutes evidence, but also what constitutes valid evidence.

The objects to be sought, therefore, in the study of evidence will be: *First*, to understand all the various classes of evidence and the use that may be made of each; and *second*, to understand the tests that may be applied to determine the strength or weakness of one's own evidence and the evidence of one's opponent.

I. Classes of Evidence

Classification of Evidence. — Evidence may be classified in very many different ways, but perhaps the most serviceable basis for classification takes into consideration the form of the evidence, the relation that the evidence bears to its conclusion, and the source from which the evidence is obtained.

All evidence may be classified by contrast in six different ways:

First, according to its form, as:
Real or Verbal Evidence; and
Positive or Negative Evidence;
Second, according to the relation it bears to its conclusion, as:
Direct or Circumstantial Evidence; and
Third, according to the nature of its source, as:
Original or Hearsay Evidence;
Written or Unwritten Evidence; and
Ordinary or Expert Evidence.

Real and Verbal Evidence. — The *first* classification of evidence according to its form distinguishes all evidence as either real evidence or verbal evidence.

Real evidence, in contrast with verbal evidence, consists of any object that may be used as an exhibit to demonstrate the truth of a debater's contentions; whereas, *verbal evidence* consists, not in objects themselves, but in statements concerning objects.

Real evidence, for example, might consist of a blood-stained garment actually exhibited in a murder trial; a crippled arm exhibited in an accident case; or property that is viewed in a dispute over real estate. Verbal evidence, however, would consist of a statement about the blood-stained garment, about the crippled arm, or about the property in dispute.

Use of Real and Verbal Evidence. — Most evidence employed in debate is, of course, verbal evidence rather than real evidence. In spite of this fact, however, a debater should not overlook entirely the possibilities of real evidence. No opportunity should be missed by the debater to examine thoroughly whatever real evidence is available; and, whenever this evidence is favorable, he should seek to introduce it, if possible, in debate; because generally real

evidence has a much more powerful appeal than can be made by words.

Positive and Negative Evidence. — The *second* classification of evidence according to its form distinguishes all evidence as either positive or negative evidence.

Positive evidence, in contrast with negative evidence, consists of any actual facts, or of any statements that affirm the existence or occurrence of facts; whereas, *negative evidence* consists of an absence of fact, or any statement denying the existence or occurrence of facts.

Positive evidence, for example, might be found either in the appearance of a person on the street, or in a statement that a certain person did appear on the street. Negative evidence, however, would consist in the non-appearance of a person, or in a statement denying the appearance of a person.

Use of Positive and Negative Evidence. — Whenever possible, a debater should seek to employ positive, rather than negative, evidence; for, when one contradicts the other and both are derived from equally credible witnesses, positive evidence is entitled to more weight than negative evidence, since one of the witnesses may have failed to see or hear what the other witness did actually see or hear.

Direct and Circumstantial Evidence. — The only important classification of evidence according to the relation it bears to its conclusion distinguishes all evidence as either direct or circumstantial evidence.

Direct evidence, in contrast with circumstantial evidence, consists of any matter that goes expressly to the very point in question. Direct evidence, in other words, consists of any evidence that proves a point without the aid of infer-

ence. It consists either of the thing itself that is in dispute; or of the statement of a witness that he (1) saw, (2) heard, (3) felt, (4) tasted, or (5) smelled the thing in dispute; or (6) that he knows the thing in dispute to be true or false; or (7) that it is true or false.

Circumstantial evidence, on the contrary, consists of any fact that goes expressly to some other point than the point in question. Circumstantial evidence consists, therefore, of any fact from which an inference may be drawn to the point in question. This kind of evidence may assume many different forms, such as, for example: *First,* a prior fact that serves as a necessary cause for the thing in dispute; *second,* a subsequent fact that serves as a necessary effect of the thing in dispute; *third,* an example of the thing in dispute; or, *fourth,* a similar instance to the thing in dispute.

The following examples of evidence will make plain the distinction between direct and circumstantial evidence; and at the same time will show many varieties of evidence that may be called circumstantial evidence:

I. Mr. Smith's summer cottage at the beach is occupied this season; for
   - *A.* His agent says it is occupied. (Direct Evidence)
   - *B.* Mr. Brown has rented Mr. Smith's cottage. (Circumstantial Evidence — Prior Fact)
   - *C.* All the windows in Mr. Smith's cottage are open. (Circumstantial Evidence — Subsequent Fact)
   - *D.* Mr. Smith's cottage has always been occupied in previous seasons; for
     1. It was occupied last season. (Circumstantial Evidence — Example)
   - *E.* Another cottage just like Mr. Smith's is occupied. (Circumstantial Evidence — Similar Instance)

Use of Direct and Circumstantial Evidence. — In the selection of proof, a debater should seek always to employ both direct and circumstantial evidence.

Direct evidence is considered highly desirable, because, if no question is raised concerning the reliability of its author, the conclusion derived from it is established beyond all doubt. In most instances of dispute, however, the direct evidence of one witness is contradicted by that of another; and in many instances no direct evidence is available. Direct evidence, therefore, should be corroborated, or confirmed, by circumstantial evidence; and, in the absence of direct evidence, circumstantial evidence must take its place.

Circumstantial evidence, however, is rarely conclusive until it becomes *cumulative;* that is, until evidence is submitted representing several of the subdivisions of circumstantial evidence; or until many instances of evidence are submitted, all falling within a single subdivision of circumstantial evidence.

To illustrate: In the examples given above, the direct evidence is corroborated by a great quantity of circumstantial evidence; and the circumstantial evidence is made cumulative by instances representing each of the subdivisions of this class of evidence.

Original and Hearsay Evidence. — The *first* classification of evidence according to the nature of its source distinguishes all evidence as either original or hearsay evidence.

Original evidence consists of any fact or statement of fact derived from an original source; that is, from inspection or common knowledge, or from an eye-witness or original authority; whereas, *hearsay evidence* consists only of statements of fact derived from a witness or authority who reports as true what other witnesses or authorities have said.

Original evidence is often confused with direct evidence; and hearsay evidence with circumstantial evidence. Hence, it is important to note the distinction between them.

The difference between original and direct evidence is: that *original evidence comes directly from its original source* without passing from mouth to mouth; whereas, *direct evidence goes directly to its conclusion* without passing through the process of inference.

Between hearsay and circumstantial evidence there is a corresponding difference. *Hearsay evidence comes indirectly from its original source,* passing from mouth to mouth; whereas, *circumstantial evidence goes indirectly to its conclusion,* passing through the process of inference.

Original and hearsay evidence may, therefore, be either direct or circumstantial; and direct and circumstantial evidence may be either original or hearsay.

The best way to fix in mind the distinction between these classifications is to avoid altogether the use of the term *indirect evidence,* inasmuch as this term may apply either to hearsay or to circumstantial evidence.

To illustrate what is meant by original and hearsay evidence, examples may be drawn from the literary controversy concerning the alleged marriage of Jonathan Swift to Esther Johnson, otherwise known as Stella. The first writer to assert that Stella was the wife of Swift was Orrery. He said: "*Stella was the concealed but undoubted wife of Dr. Swift.*" This statement by Orrery constitutes original evidence. When this statement was repeated, however, by Delaney, who acknowledged that Orrery was the source from which he obtained his information, it then became hearsay evidence. This kind of evidence assumes, therefore, the following form: *Delaney says that Orrery said that Stella was the concealed but undoubted wife of Dr. Swift.*

Use of Original and Hearsay Evidence. — Hearsay evidence is not thought worthy of any recognition, except in very unusual circumstances, such as in the case of death-bed utterances, reported confessions, and matters of common report that amount almost to common knowledge. The debater, therefore, in seeking evidence, should always strive to obtain original evidence in preference to hearsay evidence.

The reason for frowning upon hearsay evidence is, of course, obvious; for hearsay evidence, in being transmitted from person to person, is most liable to become warped and distorted.

Hearsay evidence should not be neglected entirely, however, in building up a case; for very often from hearsay evidence a debater may find valuable clews to original evidence.

Written and Unwritten Evidence. — The *second* classification of evidence according to the nature of its source distinguishes all evidence as either written or unwritten evidence.

Written evidence, in contrast with unwritten evidence, consists of any statement of fact derived originally from a written or printed source; whereas, *unwritten evidence* consists of any fact or statement of fact derived from inspection or common knowledge, or from an original spoken source.

All documentary evidence, such as that derived originally from deeds, wills, mortgages, receipts, notes, charters, statutes, constitutions, treaties, manuscripts, and printed publications, constitutes written evidence; whereas, all real evidence, all common knowledge, and all oral testimony constitute unwritten evidence.

To illustrate the difference between written and unwritten

evidence, facts taken from an editorial in a newspaper would constitute written evidence; but these same facts, if taken from a speech reported in a newspaper, would constitute unwritten evidence.

Use of Written and Unwritten Evidence. — Whenever evidence depends on witnesses or authorities, written evidence is considered more valuable than unwritten evidence; for written evidence usually represents the more deliberate judgment of its author. If written evidence is contrary to subsequent oral testimony, it usually has greater weight, also, because it is more likely to be free from errors of memory.

In some cases a debater must rely on oral testimony, but in all cases he should seek diligently for any written evidence; and, whenever this is found, he should give it preference over oral testimony.

Ordinary and Expert Evidence. — The *third* and last classification of evidence according to the nature of its source distinguishes all evidence as either ordinary or expert evidence.

Ordinary evidence, in contrast with expert evidence, consists of any matter of fact to which any person without a specialist's knowledge or experience may testify; whereas, *expert evidence* consists of any matter of opinion regarding facts to which only persons with a specialist's knowledge or experience may testify.

To illustrate the difference between ordinary and expert evidence, in a controversy about whether a new bridge should be erected to replace an old one, a statement that the old bridge was dilapidated would constitute ordinary evidence; but a statement that the old bridge was no longer

safe under the traffic it had to bear would probably constitute expert evidence.

Use of Ordinary and Expert Evidence. — In some cases both ordinary and expert evidence are essential; and, hence, neither type of evidence should be neglected for the other. Ordinary evidence is always made more valuable by the corroboration of expert evidence, and expert evidence is likewise made more valuable by the corroboration of ordinary evidence.

II. Tests for Evidence

Importance of the Tests for Evidence. — When one understands thoroughly all the various classes of evidence and the use that may be made of each, the next object to be sought in the study of evidence is to understand all the different tests for determining the validity of alleged evidence. These tests constitute the most important part of the study of evidence; because, through them, a debater is made able to determine the strength or weakness of alleged facts that serve as the basis of his own proof and the proof of his opponent.

Distinction between Tests for Evidence and Tests for Argument. — From the very outset in the study of tests for evidence, a debater should distinguish carefully between these tests and the tests for argument, which will be given consideration later.

Tests for evidence have nothing to do with determining the validity of inferences that are drawn from evidence; for this is the function of tests for argument. The only function of tests for evidence is to determine whether or not alleged evidence may be accepted as true on the authority of

common knowledge or on the authority of witnesses who vouch for it.

Three Main Groups of Tests for Evidence. — The tests for evidence may be divided into three main groups as follows:

1. Tests of Consistency;
2. General Tests of Source; and
3. Special Tests of Source for Expert Evidence.

The tests of consistency are tests that may be applied to all evidence to determine whether or not it agrees with other knowledge or with other alleged evidence. The general tests of source are tests that may be applied to all evidence derived from witnesses. And the special tests of source for expert evidence are tests that may be applied only to expert evidence.

Table of Tests for Evidence. — A complete table of the more important tests that may be applied to alleged evidence is given below:

I. Tests of Consistency

A. Is the alleged evidence consistent with probability?
   1. Is the alleged evidence consistent with general laws of human experience?
   2. Is the alleged evidence consistent with prior facts?
   3. Is the alleged evidence consistent with subsequent facts?
   4. Is the alleged evidence consistent with specific examples?
   5. Is the alleged evidence consistent with other specific instances?

B. Is the alleged evidence directly contradicted by known facts?

C. Is the alleged evidence consistent with all other alleged evidence submitted in the same proof?

II. **General Tests of Source**

A. Was the witness in a position to observe the facts?

B. Was the witness physically capable of making an accurate observation?

C. Has the witness a reliable memory?

D. Does the witness speak with deliberate accuracy?

E. Does the witness prevaricate?

1. Has the witness prevaricated in other matters?
2. Has the witness a generally good moral character?
3. Has the witness a motive to prevaricate?

III. **Special Tests of Source for Expert Evidence**

A. Does the alleged expert display a specialist's knowledge within the field of his alleged specialty?

B. Is the alleged expert generally recognized as an authority within the field of his alleged specialty?

Tests of Consistency with Probability. — The *first* tests of consistency to be applied to all evidence involve the probability of evidence. These tests may be applied in various ways, all of which are illustrated below.

Consistency with Human Experience

Whenever alleged evidence is any way extraordinary, abnormal, or absurd, it is inconsistent with probability; because it is inconsistent with general laws of human experience.

To illustrate: In an investigation to determine the cause of a certain farmer's death, evidence might be submitted that *the farmer committed suicide at the prospect of a big*

crop. Such evidence, however, is somewhat extraordinary, somewhat abnormal, and somewhat absurd; and is, therefore, inconsistent with probability, because it is inconsistent with general laws of human experience.

Consistency with Prior Facts

Whenever alleged evidence appears to be improbable on account of prior facts, it is inconsistent with probability; because it is inconsistent with prior facts.

To illustrate: In a certain murder case, evidence was submitted that *the defendant provoked an assault by threatening a crowd of strangers in a tavern in which he was staying.* This alleged evidence appeared improbable, however, when other evidence was introduced to the effect that *the defendant was a judge who had come from a distance to be married on the day the assault took place.* The alleged evidence in this case was tested for consistency with probability on the ground that it was inconsistent with prior facts.[1]

Consistency with Subsequent Facts

Whenever alleged evidence appears to be improbable on account of subsequent facts, it is inconsistent with probability; because it is inconsistent with subsequent facts.

To illustrate: In a case of highway robbery, evidence might be submitted that *the alleged robbers struck their victim with heavy clubs, dragged him over a fence in such a way as to break the boards, then threw him violently on the ground, kicked him, choked him, and jumped on his breast, and left him only when they supposed he was killed.* This alleged evidence appears improbable, however, when other evidence is

[1] See, in *Great Speeches by Great Lawyers,* speech by Prentiss *In Defense of Judge Wilkinson.*

introduced to the effect that *no wound, bruise, discoloration, or mark of injury was found on the alleged victim's body.* The alleged evidence in this case is tested for consistency with probability on the ground that it is inconsistent with subsequent facts.[1]

Consistency of General Evidence with Specific Examples

Whenever broad, general, sweeping statements given as evidence appear improbable because they do not agree with facts to which they should apply, they are inconsistent with probability by being inconsistent with specific examples.

To illustrate: In a political campaign, a party may submit as evidence the statement that *it has always stood for economy in the expenditure of public moneys.* This alleged evidence appears improbable, however, when other evidence is introduced to show that *the party in question has authorized padded payrolls, inflated contracts, extravagant salaries, and huge payments to party bosses.* The alleged evidence in such a case is tested for consistency with probability on the ground that it is inconsistent with specific examples.

Consistency of Specific Evidence with Other Specific Instances

Whenever alleged evidence concerning some particular, individual, or specific thing appears improbable because it does not agree with what is known concerning similar things, it is inconsistent with probability by being inconsistent with other specific instances.

To illustrate: In the dispute concerning whether the United States navy should be divided into two fleets, one in the Atlantic, and one in the Pacific, evidence might be submitted that *the two fleets could be united in time of emer-*

[1] See Works of Daniel Webster, *Speech in Defense of the Kennistons.*

gency to prevent disaster. This alleged evidence appears somewhat improbable, however, when other evidence is introduced to show that *by following this same policy the fleets of Russia in the Russo-Japanese War were attacked and destroyed one at a time before they could effect a union.* The alleged evidence in this case is tested for consistency with probability on the ground that it is inconsistent with another specific instance.

Test of Direct Contradiction by Known Facts. — The *second* test of consistency to be applied to all alleged evidence involves the possibility of direct contradiction by known facts. This test is one which, in effect, asks whether there is any direct evidence to contradict the alleged evidence.

To illustrate: In a certain murder case, a prisoner tried to prove an alibi by asserting that *on the evening of the murder he had hired a horse and carriage from a livery stable and had gone riding to a neighboring town.* Other evidence was introduced, however, from the books of the livery stable to show that *he had hired the horse and carriage, not on the evening of the murder, but three evenings before the date of the murder.* The alleged evidence in this case was tested for consistency by being directly contradicted by known facts.[1]

Test of Consistency with Other Alleged Evidence Submitted in the Same Proof. — The *third* test of consistency to be applied to all alleged evidence involves its agreement with all other alleged evidence submitted in the same proof. This test is one of the most important of all the tests of consistency; for nothing is so damaging or unpardonable as the appearance of conflicting statements in the proof of one of the parties in controversy.

[1] See Works of Daniel Webster, *Speech in the White Murder Case.*

To illustrate: In a dispute between labor and capital concerning who should manage the railroads, the representative of labor advanced the alleged evidence that *the railroads of the United States were under the absolute control of a small group of bankers who were able thereby to milk the roads for their own profit.* This same representative of labor then advanced in another part of his proof the alleged evidence that *the railroads could save hundreds of millions of dollars annually through centralization of management.* The alleged evidence submitted in one part of this proof was tested for consistency with other alleged evidence submitted in the same proof.

Application of the General Tests of Source. — Evidence that is advanced as a matter of common knowledge may be subjected only to the tests of consistency; but when evidence is advanced on the authority of witnesses, after it has survived the tests of consistency, it may still be tested by the general tests of source. Both ordinary evidence and expert evidence may be subjected to these tests.

Was the Witness in a Position to Observe the Facts? — The *first* general test of source is: *Was the witness in a position to observe the facts?* This test demands of a witness that he derive his information, not from hearsay, nor from imagination, nor from guess-work, but from actual observation. If a witness was not in a position to observe the facts to which he testifies, then he is discredited as a witness, and his evidence is regarded as unreliable.

To illustrate: During the early part of the World War many reports were sent out of Germany as evidence from American travelers that *Germany had plenty of food-stuffs.* These American travelers were never in a position, however,

to observe the facts, inasmuch as they were sent under German escort to special places in Germany where a display of food was made and they never really saw how people were living throughout most of Germany. Because these travelers were not in a position to observe the facts, they were discredited as witnesses and their evidence was regarded as unreliable.

Was the Witness Physically Capable of Making an Accurate Observation? — The *second* general test of source is: *Was the witness physically capable of making an accurate observation?* This test demands that a witness possess whatever physical powers are necessary to make an observation. In most instances this test will apply to some one of the five senses: namely, sight, hearing, feeling, taste, or smell; but in certain instances it may apply to such physical qualities as health, strength, or endurance. The testimony of a color-blind man, for example, in respect to signals that were set on the railroad track would hardly be acceptable; and the testimony of a crippled invalid would hardly be acceptable for statements concerning the normal difficulties of physical labor. This test, like the following one for memory, is seldom employed in ordinary debates, but is very common in courts of law, and is included here for the sake of completeness.

Has the Witness a Reliable Memory? — The *third* general test of source is: *Has the witness a reliable memory?* This test is intended to prevent the substitution of imagination for memory in reporting evidence, and is applied usually by testing the general memory of the witness for facts with which any normal person in the position of the witness should be familiar. The testimony of a witness, for example, concerning what he was doing at an ordinary hour, on an ordi-

nary week-day, a year before, is not to be credited, unless the witness can also state what he was doing at other ordinary hours, on ordinary week-days, a year before. If some unusual circumstance enables the witness to remember a special event, however, the test of general memory does not apply. This test can seldom be employed in ordinary debate, but is most common in courts of law when a cross-examination of witnesses is possible.

Does the Witness Speak with Deliberate Accuracy? — The *fourth* general test of source is: *Does the witness speak with deliberate accuracy?* This test is intended to prevent the use as evidence of all statements uttered without deliberation or without intent to convey thought with literal accuracy. By means of this test, witnesses are discredited who speak carelessly or use language that may be interpreted as containing only jokes, irony, sarcasm, satire, flattery, exaggeration, or flights of fancy. According to this test, little that is said in impromptu remarks, humorous after-dinner speeches, comic magazines, nomination speeches, or poetry can be taken literally as valid evidence.

Does the Witness Prevaricate? — The *fifth* general test of source is: *Does the witness prevaricate?* This test should be introduced only as a last resort, for it introduces into debate a very bitter personal feeling; and very often what may appear to be deliberate falsehood is in reality only a mistake in judgment. Whenever possible, the debater should use in the place of this test any of the various tests for consistency. If no other course lies open, however, the debater may employ this test by determining whether the witness prevaricates in other matters; whether he has a good moral character; and whether he has a motive to prevaricate.

Prevarication in Other Matters

If a witness has been found guilty of prevarication in other matters, he may be discredited as a witness through suspicion of prevarication concerning the matter in hand. This test may not be altogether fair to the witness, but it represents, nevertheless, a common method of determining the veracity of a witness.

An example of the application of this test is found in one of Daniel O'Connell's well-known cases. In this case Daniel O'Connell completely discredited a witness who swore strongly in a murder case that he knew the prisoner was guilty.

O'Connell's method was to prove the witness a liar in another matter when the witness swore that a certain hat was found near the place of the murder and that it belonged to the prisoner, whose name was James.

In the cross-examination the following dialogue took place:

O'Connell. "By virtue of your oath, are you positive that this is the same hat?"

Witness. "I am."

O'Connell. "Did you examine it carefully before you swore in your information that it was the property of the prisoner?"

Witness. "I did."

O'Connell (taking up the hat and examining the inside carefully, at the same time spelling aloud the name *James*). "Now let me see — 'J-A-M-E-S' — do you mean those letters were in the hat when *you* found it?"

Witness. "I do."

O'Connell. "Did you see them there?"

Witness. "I did."

O'Connell. "And are you sure this is the same hat?"

Witness. "I am sure."

O'Connell (holding up the hat to the Bench). "Now, my lord, I submit this is an end of this case. There is no name whatever inscribed in this hat!"[1]

Test of General Moral Character

If a witness has a generally bad moral character, he may also be discredited as a witness on the ground of probable prevarication.

An example of the application of this test is found in one of Rufus Choate's famous cases. In this case one of the witnesses had been found guilty of stealing $1700 from the safe of his father-in-law. Because he was a thief, Choate maintained that he was not an honest man, and therefore could not be believed when he gave testimony on other matters.[2]

Test of Motive to Prevaricate

If a witness, finally, has a motive to prevaricate, he may be discredited as a witness on the ground of probable prevarication. The only exception to this rule is in the case of *admissions against interest;* that is, in the case of evidence that runs counter to the interest of the witness. *Admissions against interest are regarded as the strongest kind of evidence.*

An illustration of the application of this test is found in one of Daniel Webster's famous murder cases. In this case the prisoner confessed to the crime, and his confession was, of course, extremely valuable as an *admission against inter-*

[1] See Wellman's *Art of Cross-Examination,* pp. 162–163.

[2] See, in *Great Speeches by Great Lawyers,* speech by Choate *On Behalf of Helen Maria Dalton.*

est. The prisoner then denied the confession; and his brother, who was present at the time of the alleged confession, also denied it. The brother was discredited as a witness, however, on the ground that family pride gave him a strong *motive to prevaricate.*[1]

Special Tests of Source for Expert Evidence. — All the tests of consistency and all the general tests of source may be applied to expert evidence; and, in addition to these, two special tests of source for expert evidence may also be employed.

These tests are: *Does the alleged expert display a specialist's knowledge within the field of his alleged specialty?* — and, *Is the alleged expert generally recognized as an authority within the field of his alleged specialty?*

An illustration of the application of the first of these tests is found in one of William H. Seward's famous cases. In this case a doctor posed as an expert on insanity and claimed to have visited all the principal hospitals for the insane in London, Paris, and other European capitals. This doctor was discredited, however, because he could not remember the names of any one of these hospitals, and because he could not interpret readily the charts that he himself produced as evidence.[2]

An illustration of the application of the second test is found in a recent attempt to settle the controversy concerning whether Bacon was the real author of many of Shakespeare's plays. This question arose in a law suit that was brought before one of our State courts, and the judge of this court attempted to settle the matter finally by decid-

[1] See Works of Daniel Webster, *Speech in the White Murder Case.*

[2] See, in *Great Speeches by Great Lawyers*, speech by Seward *In Defense of William Freeman.*

ing in favor of Bacon's authorship. The authority of this judge, however, posing as an expert among eminent Shakespearean scholars, has never been recognized, and the result has been that his decision, when considered as evidence, has been ridiculed from one end of the country to the other.

Summary of the Subject of Evidence. — The subject of evidence as presented in this chapter has involved three distinct problems: *First*, to understand the general nature of evidence as an element of proof; *second*, to understand all the more important classifications of evidence and the use that may be made of each; and *third*, to understand all the different tests of consistency and of source that may be applied to alleged evidence to determine its validity. With a thorough knowledge of the theory involved in this treatment of evidence, a debater should be able to choose with discretion the evidence that he will employ in his own proof and also be able to criticize most effectually the evidence employed in the proof of his opponent.

CHAPTER II

ARGUMENT[1]

Importance of the Study of Argument. — In the preceding chapter on Evidence, both evidence and argument are named as the means of proof. Eventually all proof must be based on evidence; but evidence has no value unless it is employed in argument to create proof. As an element of proof, therefore, argument is as essential as evidence, and constitutes a most important subject for consideration in the art of debate.

Definition of Argument. — *Argument* is a process by which the mind is led from one or more assumed or known truths to acknowledge an alleged truth.

In common usage, the term *argument* is used to designate a dispute or any one of the speeches or pleas made in a dispute. In its more technical usage, however, as the term is employed in debate, *argument* denotes rather a single process of reasoning presented in support of an alleged truth.

Argument, therefore, is synonymous with *reason* in that it consists of reason; but it differs from reason in the fact that *reason begins with premises and advances to a conclusion;* whereas, *argument begins with a conclusion and seeks premises from which this conclusion may be derived.*

Objects to Be Sought in the Study of Argument. — The objects to be sought in the study of argument are: *First,* to understand all the different classes of argument that may be

[1] For lesson assignments on *Argument,* see Appendix A.

used in debate; and *second,* to understand all the different tests that may be applied to each to determine its validity.

Basis of the Classification of Argument. — The basis of classifying all argument rests upon the nature of the inference between the premises and the conclusion; and the nature of the inference depends upon the nature of the premises and of the conclusion. Argument is classified, therefore, according to the relation that exists between different types of premises and different types of conclusions.[1]

Three Main Divisions of Argument. — Argument, like reason, may be divided into three main divisions: namely, —

1. Argument by Deduction
2. Argument by Induction
3. Argument by Analogy

Argument by deduction consists in arguing from a general truth in a premise to a particular truth in the conclusion.

Argument by induction consists in arguing from a particular truth or truths in the premises to a general truth in the conclusion.

Argument by analogy consists in arguing from a particular truth in a premise to a similar particular truth in the conclusion.

Sometimes these three types of argument are defined briefly as follows: Argument by deduction is argument *from the general to the particular;* argument by induction, *from the particular to the general;* and argument by analogy, *from particular to particular.*

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[1] See page 50.

To illustrate the difference between these three main divisions of argument, the following examples are given of arguments by deduction, by induction, and by analogy.

Deduction

I. Socrates was mortal; for
   A. All men are mortal; and
   B. Socrates was a man.

This argument is an example of argument by deduction, because the reasoning employed in it proceeds from a general truth in a premise — *all men are mortal* — to a particular truth in the conclusion — *Socrates was mortal.*

Induction

I. All men are mortal; for
   A. Socrates was mortal;
   B. Plato was mortal; and
   C. Aristotle was mortal.

This argument is an example of argument by induction, because the reasoning employed in it proceeds from a particular truth in each of the premises to a general truth in the conclusion.

Analogy

I. Socrates was mortal; for
   A. Plato was mortal; and
   B. Plato was just like Socrates.

This argument is an example of argument by analogy, because the reasoning employed in it proceeds from a particular truth in a premise — *Plato was mortal* — to a similar particular truth in the conclusion — *Socrates was mortal.*

Table of the Classes of Argument. — A complete table of all the more important classes of argument employed in proof is given below:

I. **Argument by Deduction**
- *A.* Formal Argument by the Syllogism
  1. The Categorical Syllogism
  2. The Disjunctive Syllogism
  3. The Hypothetical Syllogism
- *B.* Informal Argument by the Enthymeme
  1. Argument from Generalization
  2. Argument from Classification
  3. Argument from Authority
  4. Argument from Implied Causal Relationship
     (*a*) Argument from Antecedent Probability
     (*b*) Argument from Sign

II. **Argument by Induction**
- *A.* Perfect Induction
- *B.* Imperfect Induction

III. **Argument by Analogy**
- *A.* Literal Analogy
- *B.* Figurative Analogy

I. Deduction

Formal and Informal Argument by Deduction. — The *first* important division of argument by deduction distinguishes formal argument by means of the syllogism from informal argument by means of the enthymeme.

Formal argument by means of the syllogism is an elaborate method of reasoning employed to show the complete struc-

ture of an argument; whereas, *informal argument* by means of the enthymeme is a simple method of reasoning employed in ordinary thought, speech, or composition.

(*A*) *Formal Argument by the Syllogism*

Importance of Formal Argument. — Though formal argument is used less frequently in actual debate than informal argument, it is nevertheless an extremely important kind of argument for the debater to study; for all informal argument is capable of expansion into formal argument, with the result that whatever is implied in an informal argument is laid open to inspection in its expanded form. By means of such expansion, the debater can more easily test an informal argument for its validity. Formal argument, therefore, though less frequently used in actual debate than informal argument, is important; because it enables the debater to understand better all the different informal arguments.

Nature of the Syllogism. — The *syllogism,* as it appears in formal argument, is a method of reasoning that involves two premises used jointly: one being called the *major premise* and the other being called the *minor premise.* The *major premise* contains always a general law or principle to be applied in proof; and the *minor premise* contains always a statement of fact that shows the application of the general law or principle to the case in hand. By virtue of the major premise, all syllogisms are arguments by deduction.

The Categorical Syllogism. — The *first* type of formal argument to be considered is the *categorical syllogism.* This kind of syllogism derives its name from the fact that its conclusion and both its premises are categorical propositions.

A *categorical proposition* is one that defines or classifies things. It consists always of a statement that something

is, or is not; and in effect it states that something does, or does not, belong to a certain class of things.

The categorical syllogism is founded on the process of classification. It advances to its conclusion by showing the relation between two things and a third thing, and thereby showing the relation that exists between the two things themselves.

An example of the categorical syllogism is found in the following argument:

I. Chicago is a public corporation; for
   A. Chicago is a city; and
   B. All cities are public corporations.

In this syllogism, the conclusion and both premises are categorical propositions. The second premise is the major premise, because it states the general law or principle to be applied in the proof; and the first premise is the minor premise, because it states the fact that shows the application of the general law or principle to the case in hand.

The nature of the reasoning employed in a categorical syllogism may be illustrated best, perhaps, by reducing to a formula the argument given above. This argument would then appear in the following form:

A is a *C*; for
A is a *B*; and
All *B's* are *C's*.

Technical Terms Employed in the Categorical Syllogism. — To understand the categorical syllogism, the debater must know what is meant by the *major term;* the *minor term;* the *middle term;* and a *distributed term*. The *major term* is always the term found in the predicate of the conclusion. This term is then found in one of the premises and gives its name to the premise. The *minor term* is always the

term found in the subject of the conclusion, and is then found in the other premise, to which it gives its name. The *middle term* is the term that is found in both premises but not in the conclusion. A *distributed term* is one used to denote an entire class of things or all the things within a class.

In the syllogism given above, for example, *public corporation* is the major term; *Chicago* is the minor term; and *city* is the middle term. *All cities* is a distributed term; and *a city* is an undistributed term.

Rules That Test the Categorical Syllogism. — The rules governing the categorical syllogism, by which its validity may be tested, are:

1. The syllogism must contain three and only three propositions.
2. The syllogism must contain three and only three terms.
3. The middle term must be distributed in one of the premises.
4. Neither major nor minor term may be distributed in the conclusion unless distributed in the premises.
5. No conclusion may be drawn from two negative premises.
6. If one of the premises is negative, the conclusion must be negative.

Diagrams That Test the Categorical Syllogism. — A very simple method of testing the categorical syllogism is by means of circular diagrams. According to this method each term as given in the premises is represented by a circle. If it is impossible to determine from the premises how these circles should be drawn in relation to one another, then the syllogism is invalid. All valid syllogisms will be represented by circles arranged as in the following diagrams:

DIAGRAM I

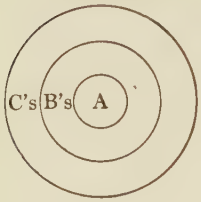


Diagram I represents the syllogism:

A is a *C*; for
A is a *B*; and
All *B's* are *C's*.

DIAGRAM II

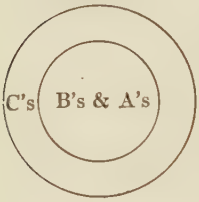


Diagram II involves three circles, two of which, representing the *A's* and *B's*, coincide. The syllogism for which it stands is:

All *A's* are *C's*; for
All the *A's* are all the *B's*; and
All *B's* are *C's*.

DIAGRAM III

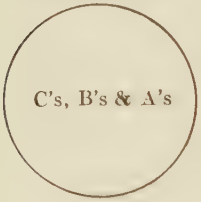
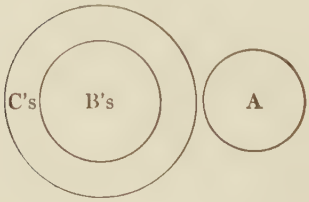


Diagram III involves three circles, all of which, representing the *C's*, *B's*, and *A's*, coincide. The syllogism for which it stands is:

All the *A's* are all the *C's*; for
All the *A's* are all the *B's*; and
All the *B's* are all the *C's*.

Diagram IV represents either one of the following syllogisms:

DIAGRAM IV

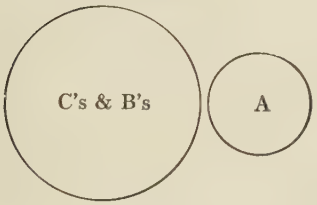


A is not a *B*; for
A is not a *C*; and
All *B's* are *C's*.

No *B* is an *A*; for
All *B's* are *C's*; and
No *C* is an *A*.

Diagram V involves three circles, two of which, representing the *C's* and *B's*, coincide. The syllogisms for which it may stand are:

DIAGRAM V



A is not a *B*; for
All the *B's* are all the *C's*; and
No *C* is an *A*.

No *B* is an *A*; for
All the *B's* are all the *C's*; and
No *C* is an *A*.

The Disjunctive Syllogism. — The *second* type of formal argument to be considered is the *disjunctive syllogism*. This kind of syllogism derives its name from the fact that its major premise consists always of a disjunctive proposition.

A *disjunctive proposition* is one that presents alternative possibilities connected by the words *either . . . or*.

The disjunctive syllogism is one that is founded on the process of elimination. It advances to its conclusion by enumerating all the possibilities for the solution of a problem and then eliminating all of them but one.

An example of the disjunctive syllogism is found in the following argument:

I. This student is self-supporting; for
   A. A student must be either self-supporting or dependent somewhat upon others; and
   B. This student is in no way dependent upon others.

This argument is an example of the disjunctive syllogism; because its major premise is a disjunctive proposition, and the method of reasoning employed in the syllogism involves the process of elimination.

Rules That Test the Disjunctive Syllogism. — The rules governing the disjunctive syllogism, by which its validity may be tested, are:

1. The possibilities enumerated in the major premise must be exhaustive.
2. The possibilities enumerated in the major premise must be mutually exclusive.
3. If the minor premise affirms one of the possibilities, the conclusion must deny the other.
4. If the minor premise denies one of the possibilities, the conclusion must affirm the other.

The Hypothetical Syllogism. — The *third* type of formal argument to be considered is the *hypothetical syllogism*. This kind of syllogism derives its name from the fact that its major premise consists always of a hypothetical proposition.

A *hypothetical proposition* is one in which the principal assertion is made dependent on a condition.

The hypothetical syllogism is one that is founded directly on the cause-and-effect relation between things. It advances to its conclusion by showing how facts do, or do not, conform with a theory of cause-and-effect relationship.

An example of the hypothetical syllogism is found in the following argument:

I. This man should be punished; for
   A. If a man is guilty of a crime, he should be punished; and
   B. This man is guilty of a crime.

This argument is an example of the hypothetical syllogism; because its major premise consists of a hypothetical proposition, and the method of reasoning employed in the syllogism is founded on a cause-and-effect relationship.

Rules That Test the Hypothetical Syllogism. — To understand the rules governing the hypothetical syllogism, by which its validity may be tested, the debater must first understand what is meant by the terms *antecedent* and *consequent* as applied to this type of syllogism.

The *antecedent* is a technical term applied to the conditional clause in the hypothetical proposition; and the *consequent* is a technical term applied to the principal clause in the hypothetical proposition.

The rules governing this type of syllogism are:

1. If the minor premise affirms the antecedent, the conclusion must affirm the consequent.
2. If the minor premise denies the consequent, the conclusion must deny the antecedent.
3. No reliance can be placed on a conclusion that is derived from denying the antecedent or from affirming the consequent.

In connection with the third rule, it should be noted that sometimes a conclusion is true when an antecedent is denied or when a consequent is affirmed. Such a conclusion can be true, however, only when the antecedent and consequent are interchangeable; and then it is true, not on account of the premises, but really in spite of them.

(*B*) *Informal Argument by the Enthymeme*

Informal Argument by the Enthymeme. — The *second* main division of deductive argument consists of informal argument by means of the enthymeme.

The *enthymeme* is an abbreviated form of the syllogism in which one of the premises is expressed and the other implied.

Various forms of the enthymeme are:

1. Argument from Generalization
2. Argument from Classification
3. Argument from Authority
4. Argument from Implied Causal Relationship
   (*a*) Argument from Antecedent Probability
   (*b*) Argument from Sign

Of these four forms of enthymeme, the first employs the major premise of a full syllogism, and all the others employ the minor premise of a full syllogism.

These arguments in all instances either express or imply a general truth from which the particular truth in the conclusion is derived; and, hence, all of them come within the main division of argument by deduction.

Argument from Generalization. — The *first* type of informal argument to be considered is the *argument from generalization*. This type of argument is one in which a particular truth is derived from a single premise that states a general law or principle.

The following argument, for example, taken from the *Outlook* of December 24, 1919, is an instance of argument from generalization:

I. The claim of the United States against Mexico is a proper subject for arbitration; because
   A. All claims that may be settled by a money payment are proper subjects for arbitration.

Test of Argument from Generalization. The only test that can be applied to an argument from generalization involves the problem of supplying a valid minor premise. The one test, therefore, for this type of argument is:

1. *Does the general law or principle expressed in the premise apply to the particular instance in the conclusion?*

If this test were applied to the argument given above, it would demand further proof maintaining that the claim of the United States against Mexico was a claim that could be settled by a money payment.

Argument from Classification. — The *second* type of informal argument to be considered is the *argument from classification.* This type of argument is one in which a classification of a particular thing is derived from a single premise that gives another classification of the same thing.

The following argument is an example of argument from classification:

I. The whale is not a fish; because
   A. The whale is a mammal.

Test of Argument from Classification. — The only test that can be applied to an argument from classification involves the problem of supplying a valid major premise. The one test, therefore, for this type of argument is:

1. *Is there any valid law or principle that will connect the fact in the conclusion with the fact in the premise?*

If this test were applied to the argument given above, it would demand further proof to the effect that no fish is a mammal.

Argument from Authority. — The *third* type of informal argument to be considered is the *argument from authority.* This type of argument is one in which a particular statement of truth is derived from a single premise containing direct evidence from an authority.

The following argument is an example of argument from authority:

I. The United States should avoid an entangling alliance with France; because
   A. George Washington said that we should avoid all entangling alliances with European countries.

Test of Argument from Authority. — Arguments from authority, like arguments from classification, are tested by an attempt to supply a valid major premise. The one test, therefore, for this type of argument is:

1. *Is whatever the authority says on the matter in dispute true?*

This test may be applied by using any one of the tests of consistency in connection with other statements of the same authority; or it may be applied by using any one of the tests of source in connection with the authority himself.[1]

If this test were applied to the argument given above, it would demand further proof to the effect that George Washington was never mistaken in his statements on foreign policy; or that George Washington was fully qualified as a witness to speak on matters of foreign policy.

Argument from Implied Causal Relationship. — The *fourth* type of informal argument to be considered is the *argument from implied causal relationship.* This type of argument consists of two distinct classes: namely, —

1. Argument from Antecedent Probability
2. Argument from Sign

These two classes of argument are distinguished in the following way. *Argument from antecedent probability*

[1] See pages 61–62.

consists in argument from cause to effect; and *argument from sign* consists in argument from effect to cause.

Argument from Antecedent Probability. — *Argument from antecedent probability* proceeds from a single premise expressing a fact that is a cause for the existence of the fact expressed in the conclusion. This type of argument relies for its premise, therefore, on a fact prior to the alleged fact in the conclusion.

The following argument is an example of argument from antecedent probability:

I. A certain man is likely to have typhoid fever; for
   A. The water-supply in his community is known to be contaminated.

In this argument, the premise contains a cause: *a contaminated water-supply;* and the conclusion contains an effect: *typhoid fever.* The argument, therefore, is an argument from cause to effect, and is an example of argument from antecedent probability.

Argument from Sign. — *Argument from sign* is the converse of argument from antecedent probability, and proceeds from a single premise expressing a fact that is an effect of the alleged fact in the conclusion. This type of argument relies for its premise, therefore, on a fact subsequent to the alleged fact in the conclusion.

The following argument is an example of argument from sign:

I. The water-supply of a community is contaminated; for
   A. A man living in this community has typhoid fever.

In this argument, the premise contains an effect: *typhoid fever;* and the conclusion contains a cause: *a contaminated water-supply.* The argument, therefore, is an argument

from effect to cause, and is an example of argument from sign.

Tests of Argument from Implied Causal Relationship. — Arguments from implied causal relationship are tested first by attempts to supply a major premise or a chain of reasoning between the premise and the conclusion of the argument; and then by tests of the validity of the major premise or of the chain of reasoning.

The tests for this type of argument may be divided into three groups: those that apply to both antecedent probability and sign; those that apply especially to antecedent probability; and those that apply especially to sign.

I. **Tests of Both Antecedent Probability and Sign**

A. Is there any causal connection between the fact in the premise and the fact in the conclusion?

B. Does any counteracting cause appear that would prevent the alleged effect?

II. **Special Tests of Antecedent Probability**

A. Is the cause sufficient to produce the alleged effect?

B. Would not the cause produce a different effect?

III. **Special Tests of Sign**

A. Is the effect sufficient to have been produced by the alleged cause?

B. Could not the effect have been produced by a different cause?

The Test for Causal Connection. — The test for *causal connection* in an argument from antecedent probability or sign demands always that a general law or principle or a clear chain of reasoning be inserted between the given premise and the given conclusion.

If this test were applied to the argument from antecedent probability given above, it would expand this argument in one of the following ways:

Insertion of General Law or Principle

I. A certain man is likely to have typhoid fever; for
   A. Whenever the water-supply of a community is known to be contaminated, a man living in that community is likely to have typhoid fever; and
   B. The water-supply of this man's community is known to be contaminated.

Insertion of Chain of Reasoning

I. A certain man is likely to have typhoid fever; for
   A. He has taken typhoid germs into his system; for
      1. The water-supply in his community is known to be contaminated.

In these two illustrations, the test for causal connection has been applied to an argument from antecedent probability; but it could be applied just as effectively to an argument from sign.

The Test for Counteracting Cause. — The test for *counteracting cause* involves an attempt to show that some fact, not taken into consideration, would prevent the given cause from working out to its alleged effect.

If this test were applied to the argument from antecedent probability given above, it would involve an attempt to show some such counteracting cause as the following: That the man in question always sterilized his drinking water; or that he had been inoculated for typhoid.

This test could be applied just as effectively to an argument from sign.

The Test for Sufficient Cause. — The test for *sufficient cause* involves an attempt to show that the alleged effect could not follow from the cause or causes mentioned, but would require other causes acting jointly with the given cause or causes.

If this test were applied to the argument from antecedent probability given above, it would involve an attempt to show that typhoid fever would not follow merely from the fact that the water-supply was contaminated; but that other causes acting jointly with this must be shown, such as, for example: That the man in question drank from the contaminated water-supply, or that his food was infected from this water-supply, and that he himself was in a weakened physical condition to be affected by the typhoid germ.

This test is applied only to arguments from antecedent probability.

The Test for a Different Effect. — The test for a *different effect* involves an attempt to show that the given cause would produce an entirely different effect.

If this test were applied to the argument from antecedent probability given above, it would involve an attempt to show that the contaminated water-supply, being a known fact, would not make probable the appearance of typhoid in a man who lived in the community; because the knowledge of this fact would lead every man to take more than ordinary precautions; and, hence, this contaminated water would be a source of health rather than disease.

This test is applied generally to arguments from antecedent probability, though sometimes it may also be applied to arguments from sign.

The Test for Sufficient Effect. — The test for *sufficient effect* involves an attempt to show that the alleged effect

could not follow from the cause or causes mentioned, unless other joint effects, not taken into consideration, also followed.

If this test were applied to the argument from sign given above, it would involve an attempt to show that the water-supply of a community could not be contaminated, if only one case of typhoid appeared; but that many cases of typhoid would have to be reported, as well as much other sickness of the same general nature.

This test is applied only to arguments from sign.

The Test for a Different Cause. — The test for a *different cause* involves an attempt to show that the alleged effect could have been produced by an entirely different cause.

If this test were applied to the argument from sign given above, it would involve an attempt to show that the given case of typhoid fever need not have been caused by a contaminated water-supply; but might have been caused by a contaminated milk-supply, by lack of cleanliness in the preparation of food, or by unsanitary living accommodations.

This test is applied only to arguments from sign.

II. Induction

Argument by Induction. — The *second* main division of argument consists of *argument by induction.* This type of argument is then divided again into two subdivisions, known as:

1. Perfect Induction; and
2. Imperfect Induction.

Distinction between Perfect and Imperfect Induction. — The distinction between perfect and imperfect induction

consists in the fact that *perfect induction* establishes a general truth by a complete enumeration of all possible instances to which this general truth may apply; whereas, *imperfect induction* attempts to establish a general truth by only a partial enumeration of all possible instances.

To illustrate the distinction between these two kinds of argument, the following examples are given of perfect and imperfect induction.

Perfect Induction

I. All New England States have large manufacturing interests; for
   A. Massachusetts has large manufacturing interests;
   B. So has Rhode Island;
   C. So has Connecticut;
   D. So has New Hampshire;
   E. So has Vermont; and
   F. So has Maine.

Imperfect Induction

I. All New England States have large manufacturing interests; for
   A. Massachusetts has large manufacturing interests.

Tests of Argument by Induction. The tests that are commonly applied to arguments by induction are:

1. Is there any negative instance?
2. Are the given instances typical?
3. Is there any causal connection involved?
4. Are there sufficient instances to warrant a general conclusion?

The Test of a Negative Instance. — The *first* test to be applied to all arguments by induction is the test of a *negative*

instance. This test corresponds with the old adage that the exception proves the rule, in the sense that it tests the rule. If a single negative instance is found, the argument is invalid.

This test might be applied to the following argument:

I. All wars of the United States have been undertaken to promote freedom; for
   A. The Revolutionary War was undertaken to promote freedom;
   B. So was the War of 1812;
   C. So was the Civil War;
   D. So was the Spanish War;
   E. So was the World War.

The Mexican War, however, was entered upon to promote slavery, and this single negative instance destroys the validity of the whole argument.

The Test of Typical Instances. — The *second* test that may be applied to arguments by induction is the test of *typical instances.* This test involves an attempt to show that the instances given are chosen because they are especially favorable; whereas, most instances might not be so favorable.

This test could be applied to the following argument:

I. All Mohammedan nations are capable of developing a high state of civilization; for
   A. The Moors in Spain developed a high state of civilization.

In applying this test to the foregoing argument, a person might very justly inquire if the Moors in Spain were typical of the many savage Mohammedan tribes of Africa,

Asia, the South Sea Islands, and Australia; for are they not the only shining example of achievement in civilization among all the nations of the Mohammedan faith?

The Test of Causal Connection. — The *third* test that may be applied to arguments by induction is the test of *causal connection*. This test involves an attempt to show that there is no cause-and-effect relation between the terms employed in the conclusion or in the premises; and usually it consists in a challenge to show any such causal relation by establishing a clear chain of reasoning between these terms. When general laws or principles cannot meet this test, they often constitute popular superstitions.

Before General Grant's second election to the presidency of the United States, the following argument, commonly advanced by politicians, could have been subjected to this test:

I. To be elected for a second term, presidents of the United States must have no middle name; for
   A. Washington had no middle name;
   B. Neither did Jefferson;
   C. Neither did Madison;
   D. Neither did Monroe;
   E. Neither did Jackson; and
   F. Neither did Lincoln.

This argument could have been tested at any time by a challenge to show a causal connection between having a middle name and being reëlected to the presidency. No clear-cut chain of reasoning can be established between these terms; and the general conclusion concerning them constituted, therefore, nothing more than a mere popular superstition.

The Test of Sufficient Instances. — The *fourth* test that may be applied to arguments by induction is the test of sufficient instances. This test is employed when negative instances are unavailable and yet appear to be possible or probable. It consists in showing the possibility of negative instances among the many instances that have not been observed. The proper proportion of instances to be cited depends altogether upon the probability of a causal connection between the terms in the conclusion.

In the following argument, for example, few instances need to be cited, because a causal connection between the terms of the conclusion is extremely probable:

I. The tides are always highest when the moon is full; for
A. In several instances this has been observed to be true.

But in the following argument many more instances need to be cited, because a causal connection between the terms of the conclusion is not so probable:

I. Insane persons are always most abnormal when the moon is full; for
A. In several instances this has been observed to be true.

III. Analogy

Argument by Analogy. — The *third* main division of argument consists of *argument by analogy.* This type of argument is based on the theory that two things similar in one or more respects are likely to be similar in another respect. Like argument by induction, argument by analogy has also two subdivisions, known as:

1. Literal Analogy; and
2. Figurative Analogy.

Distinction between Literal and Figurative Analogy. — The distinction between argument from literal analogy and

argument from figurative analogy consists in the fact that *argument from literal analogy* is based on a similarity between things in the same class; whereas, *argument from figurative analogy* is based on a similarity between the relationships of things in very different classes.

To illustrate the distinction between these two kinds of argument, the following examples are given of literal and figurative analogy:

Literal Analogy

I. Emperor William's plan of world-conquest was doomed to failure; because

A. Napoleon failed in a similar undertaking.

This argument is an example of argument from literal analogy, because the argument is based on a similarity between two plans of world-conquest by two emperors, both of which plans belong to the same class of things.

Figurative Analogy

I. You shouldn't change generals in the middle of a campaign; because

A. You wouldn't swap horses in the middle of a stream.

This argument is an example of argument from figurative analogy, because the argument is based on a similarity between the relationships of things in very different classes: namely, *changing generals in the middle of a campaign*, and *swapping horses in the middle of a stream*.[1]

Any argument based on precedent is an example of argument from literal analogy; and any argument based on a simile, a metaphor, a proverb, a fable, an allegory, a parable,

[1] For further examples, see *Persuasion through Striking Analogies*, pages 299–303.

or an anecdote is an example of argument from figurative analogy.

Tests of Argument by Analogy. — The tests that may be applied to arguments by analogy are:

1. Are there any negative instances?
2. Is there any essential difference between the two instances?
3. Is there any causal connection involved?
4. Are there sufficient similar instances to warrant a general conclusion?

These tests, it will be observed, are essentially similar to the tests of argument by induction. This similarity is due to the fact that no argument by analogy is valid, unless some general law or principle covers both the instance in the premise and the instance in the conclusion. The tests of analogy, therefore, like the tests of induction, are intended to determine whether or not any such general law or principle exists.

The Test of Negative Instances. — The *first* test that may be applied to arguments by analogy is the test of *negative instances*. This test demands that there be a general agreement among all the instances similar to the instance given in the premise; for otherwise no general law or principle can be formulated to cover instances like the one in the premise and the one in the conclusion. A negative instance does not always destroy an argument by analogy; but it, at least, greatly impairs the probability of the conclusion.

An illustration of the application of this test is found in connection with the following argument:

I. Government ownership and operation of railroads in the United States would prove successful; for
   A. Government ownership and operation of railroads in Germany proved successful.

This argument is weak on account of negative instances found in the experience of Italy, France, and Russia, where government ownership and operation have not proved to be entirely successful.

The Test of Essential Difference. — The *second* test that may be applied to arguments by analogy is the test of *essential difference*. This test demands that the instances given in the conclusion and in the premise be similar in all essential respects; for, if these instances are not essentially similar, no valid general law or principle can be formulated to cover them both. Any essential difference between the instance in the premise and the instance in the conclusion completely destroys an argument by analogy.

An illustration of the application of this test is found in connection with the following argument:

I. Residents of Washington, D. C., should be allowed to vote in national elections; for
   A. Residents of St. Louis are allowed to vote in such elections.

This argument is invalid because there is an essential difference between the residents of Washington and the residents of St. Louis, in that the residents of Washington are generally either Federal office-holders or dependents of Federal office-holders; whereas, the residents of St. Louis are not generally Federal office-holders or dependents of Federal office-holders.

When this test is applied, great care must be observed to distinguish clearly between what constitutes an essential

difference and what constitutes an incidental difference. An essential difference always involves facts that have a definite causal connection with dissimilar conclusions.

To illustrate: In connection with the argument given above, the fact that Washington is an eastern city and St. Louis a middle-western city might be used in an attempt to apply the test of essential difference. This difference, however, is merely incidental, rather than essential, to any conclusion concerning whether or not the residents of Washington should vote in national elections; and such a difference, therefore, could not be employed effectively to destroy this argument by analogy.

The Test of Causal Connection. — The *third* test that may be applied to arguments by analogy is the test of *causal connection.* This test demands that there be a cause-and-effect relationship between the terms employed in the argument, rather than a mere association by chance. To meet this test, a valid general law or principle must be formulated to cover this relationship, or a clear chain of reasoning must be constructed to show a causal connection between these terms. If such a causal connection cannot be shown, then the argument depends on chance, and its validity is doubtful.

An illustration of the application of this test is found in connection with the following arguments:

I. The next great epoch in English literature will occur at about the year 2000; for
   A. There was a great epoch at the time of Chaucer about the year 1400;
   B. There was a great epoch at the time of Shakespeare about the year 1600; and
   C. There was a great epoch at the time of Wordsworth about the year 1800.

In this argument by analogy, an effort is apparent to build an inference on an assumed general law or principle that great epochs in English literature occur only at intervals of two hundred years and at the beginning of centuries. Such a general law or principle is not valid, however, because there was no great epoch about the year 1200 or about the year 1000, and there was a great epoch at the time of Milton about the year 1660. This general law or principle does not provide, therefore, a necessary causal connection between a great epoch and the year 2000.

The validity of this argument is doubtful, also, because no clear chain of reasoning can be constructed to show that the greatness of Chaucer's period was caused by the fact that it came at about 1400; and that the greatness of Shakespeare's period was caused by the fact that it came two hundred years after Chaucer; and that the greatness of Wordsworth's period was caused by the fact that it came two hundred years after Shakespeare. In other words, no chain of reasoning can be constructed to show a causal connection between dates arranged with two-hundred-year intervals and the appearance of great epochs in literature.

If there is any connection between these facts, it is by chance association rather than by a cause-and-effect relation; and an argument by analogy that is based on such an association must have only doubtful validity.

The Test of Sufficient Similar Instances. — The *fourth* test that may be applied to arguments by analogy is the test of *sufficient similar instances*. This test, like the corresponding test for induction, is employed when negative instances are unavailable and yet appear to be possible or probable. It consists in showing the possibility of negative

instances among the many instances that have not been observed.

An illustration of the application of this test is found in connection with the following argument:

I. One of this company of thirteen sitting at a table will soon die; for
   A. On a single previous occasion when thirteen sat together at a table, one of their number died soon afterward.

This argument by analogy has doubtful validity, because it employs only one instance to support an assumed general law or principle that involves no apparent cause-and-effect relationship between its terms. It is subject to the test of sufficient similar instances, therefore; because its conclusion is somewhat improbable; and because, among the thousands of unobserved instances, many negative instances are likely to exist.

Table of Tests of Argument. — The various tests that may be applied to all the different classes of argument constitute one of the most important means of determining what proof should be avoided in one's own case and what proof is open to attack in the case of an opponent. These tests, as they appear in the following table, should be familiar, therefore, to every student of debate.

I. **Tests of the Categorical Syllogism**
   A. Does the syllogism contain three and only three propositions?
   B. Does the syllogism contain three and only three terms?
   C. Is the middle term distributed in one of the premises?

D. Is either the major or the minor term distributed in the conclusion when not distributed in the premises?

E. Is the conclusion drawn from two negative premises?

F. Is the conclusion negative, if one of the premises is negative?

II. **Tests of the Disjunctive Syllogism**

A. Are the possibilities enumerated exhaustive?

B. Are the possibilities enumerated mutually exclusive?

C. Is the conclusion negative, when the minor premise is affirmative?

D. Is the conclusion affirmative, when the minor premise is negative?

III. **Tests of the Hypothetical Syllogism**

A. Does the conclusion affirm the consequent, when the minor premise affirms the antecedent?

B. Does the conclusion deny the antecedent, when the minor premise denies the consequent?

C. Is the conclusion derived from affirming the antecedent or from denying the consequent?

IV. **Test of Argument from Generalization**

A. Does the general law or principle apply to the particular instance in the conclusion?

V. **Test of Argument from Classification**

A. Is there any valid law or principle that will connect the fact in the conclusion with the fact in the premise?

VI. **Test of Argument from Authority**

A. Is whatever the authority says on the matter in dispute true?

VII. **Tests of Argument from Implied Causal Relationship**

A. Tests for Both Antecedent Probability and Sign

1. Is there any causal connection between the fact in the premise and the fact in the conclusion?
2. Does any counteracting cause appear that would prevent the alleged effect?

B. Special Tests for Antecedent Probability

1. Is the cause sufficient to produce the alleged effect?
2. Would not the cause produce a different effect?

C. Special Tests for Sign

1. Is the effect sufficient to have been produced by the alleged cause?
2. Could not the effect have been produced by a different cause?

VIII. **Tests of Argument by Induction**

A. Is there any negative instance?
B. Are the given instances typical?
C. Is there any causal connection involved?
D. Are there sufficient instances to warrant a general conclusion?

IX. **Tests of Argument by Analogy**

A. Are there any negative instances?
B. Is there any essential difference between the two instances?
C. Is there any causal connection involved?
D. Are there sufficient similar instances to warrant a general conclusion?

Summary of the Subject of Argument. — The subject of argument, as treated in this chapter, has been approached

from three different points of view: *First*, what is the general nature of argument? — *Second*, what are the various classes of argument? — And *third*, what are the tests to be applied to each of the various classes? Since argument is one of the two essential elements of proof, a thorough knowledge of this subject from these different points of view is indispensable to all students of debate who are ambitious to acquire a complete mastery of the art.

CHAPTER III

FALLACY[1]

Importance of the Study of Fallacy. — No consideration in debate is more important than that proof should be entirely free from fallacy; for whenever the element of fallacy enters into proof, no reliance may be placed on its conclusions. Every debater, therefore, should be thoroughly familiar with the subject of fallacy, in order that he may be able to avoid fallacy in his own proof and expose it in the proof of his opponents.

Definition of Fallacy. — *Fallacy* consists of any defect in proof that destroys its validity.

Detection of Fallacy. — To detect a fallacy in proof, a debater may employ either one of two methods. He may, for instance, apply to the evidence and argument involved in proof the tests previously enumerated for determining their validity;[2] or he may examine the proof to see whether it contains any defect that conforms with the definition of a particular fallacy.

Three General Divisions of Fallacy in Logic. — The subject of fallacy, as treated in logic, usually involves three general divisions: namely, —

1. Fallacies of Interpretation;
2. Formal Fallacies; and
3. Material Fallacies.

[1] For lesson assignments on *Fallacy* see Appendix A.

[2] See pages 61–62, 101–103.

Fallacies of interpretation are those that arise from errors of understanding in respect to the meaning or implication of propositions.

Formal fallacies are those that arise from errors in the application of rules for the syllogism.[1]

And *material fallacies* are those that arise from errors in regard to the nature and relationship of matters involved in proof.

Among these three general divisions of fallacy, those that may be used most effectively in debate are material fallacies. Only fallacies of this type, therefore, will be considered in detail; and, if the debater is interested in the study of other fallacies, he may find a thorough treatment of them in almost any text on logic.[2]

Three Main Classes of Material Fallacies. — For the general division of material fallacies, many different methods of classification have been used; but the method that is likely to prove most serviceable in debate is one that distinguishes fallacies according to whether they represent defects of the premise, defects of the inference, or defects of the conclusion.

According to such a method of classification, all material fallacies may be represented under three main classes: namely, —

1. The Fallacy of Begging the Question;
2. The Fallacy of *Non-Sequitur;* and
3. The Fallacy of Argument Beside the Point.

The fallacy of begging the question represents a defect in a premise; the fallacy of *non-sequitur* represents a defect

[1] See pages 79, 82, 83.

[2] See Creighton's *Introductory Logic* (Macmillan, 1907), pp. 152–171.

in an inference; and the fallacy of argument beside the point represents a defect in a conclusion.[1]

Table of Material Fallacies. — A complete table of all the more important material fallacies to be avoided in debate is given below:

I. **Fallacies of Begging the Question**
   - *A.* Simple Iteration
   - *B.* Iteration by Generalization
   - *C.* Argument in a Circle
   - *D.* Non-Evident Premise

II. **Fallacies of *Non-Sequitur***
   - *A.* *Post Hoc*
   - *B.* Composition or Division
   - *C.* Accident
   - *D.* Equivocation

III. **Fallacies of Argument Beside the Point**
   - *A.* *Argumentum ad Hominem*
   - *B.* *Argumentum ad Populum*
   - *C.* *Argumentum ad Ignorantiam*
   - *D.* *Argumentum ad Verecundiam*

I. Begging the Question

Fallacies of Begging the Question. — The *first* main class of material fallacies consists in *begging the question.* Fallacies of this type are those that arise from assuming in a premise the truth of a conclusion to be proved.

The Fallacy of Simple Iteration. — One of the most common forms of begging the question is found in the fallacy of *simple iteration.* This type of fallacy is one in which a con-

[1] See page 50.

clusion to be proved is used to prove itself by being repeated immediately, either verbatim, or with different phraseology. A formula that may be used to represent this kind of fallacy appears in the following argument:

I. This thing is so; because
A. It is so.

The fallacy of simple iteration rarely appears in such an obvious form, however, as that represented in the formula given above; but more commonly appears in the form of a rhetorical question, or with a difference in phraseology between the conclusion and the premise.

The following argument illustrates the fallacy of simple iteration by means of the rhetorical question:

I. The State should establish an old-age pension system; for
A. Is it not the duty of the State to establish such a system?

The following argument illustrates the fallacy of simple iteration by means of a difference in phraseology:

I. The State should establish an old-age pension system; for
A. An old-age pension system should most certainly be established by the State.

The Fallacy of Iteration by Generalization. — Another common form of begging the question is found in the fallacy of *iteration by generalization*. This type of fallacy is one in which a conclusion to be proved is used to prove itself by being repeated in the form of a more inclusive general statement.

The following argument, for example, contains the fallacy of iteration by generalization:

I. The Panama Canal should be placed under international control; for

A. All such canals should be placed under international control.

This type of fallacious argument closely resembles perfectly valid reasoning from generalization; and yet it differs from valid reasoning in the fact that it introduces into its premise no new term that might serve as a middle term in a full syllogism.

To constitute valid argument from generalization, some new term would have to be introduced into the premise, as in the following argument:

I. The Panama Canal should be placed under international control; for

A. All straits and canals that serve as necessary highways of the world's commerce should be placed under international control.

The Fallacy of Argument in a Circle. — The *third* form of begging the question consists of *argument in a circle*. This type of fallacy is one in which a given proposition is employed first as a conclusion derived from another proposition and then as a premise to support this same proposition. The difference between this fallacy and the fallacy of simple iteration is that in argument in a circle one or more premises are inserted between the two statements of the same proposition.

An illustration of this type of fallacy is found in the following arguments: A certain person was the instigator of a crime, because he was present at the time of the crime; and it was he who was present at the time of the crime, because he was the instigator of the crime.

If these arguments were arranged in the form of a chain of reasoning, they would appear as follows:

I. A certain person was the instigator of a crime; for
   A. He was present at the time of the crime; for
      1. He was the instigator of the crime.

The Fallacy of Non-Evident Premise. — The *fourth* form of begging the question is found in the fallacy of *non-evident premise*. This type of fallacy is one in which a premise requiring proof is assumed to be true without proof. Such a fallacy is an instance of begging the question, because it assumes in a premise the truth of a proposition that is really a conclusion to be proved. This fallacy appears whenever alleged evidence cannot meet the tests of evidence that have been previously enumerated.[1]

An illustration of this type of fallacy appears in the following proof:

I. Life imprisonment should be substituted for capital punishment in cases of premeditated murder; for
   A. Life imprisonment would be a greater deterrent against premeditated murder than capital punishment; for
      1. The prospective murderer would have greater fear of life imprisonment as a penalty than of capital punishment.

This proof contains the fallacy of non-evident premise, because it rests upon a premise that cannot be assumed to be true without proof.

II. Non-Sequitur

Fallacies of *Non-Sequitur*. — The *second* main class of material fallacies consists of fallacies that may be referred

[1] See pages 61–62.

to under the general name of fallacies of *non-sequitur*, which means when translated, *it does not follow*. Fallacies of this type are those that arise from the fact that there is no valid connection between the assumed or known truth in the premise and the alleged truth in the conclusion.

To give a special name to all the different fallacies of *non-sequitur* would be impossible; but some of the more common varieties are:

1. The Fallacy of *Post Hoc;*
2. The Fallacies of Composition and Division;
3. The Fallacy of Accident; and
4. The Fallacy of Equivocation.

The Fallacy of *Post Hoc*. — The *first* common variety of *non-sequitur* to be considered is known as the fallacy of *post hoc*. This fallacy derives its name from the Latin phrase, *post hoc, ergo propter hoc,* which means *after this, therefore on account of this*. A fallacy of this type arises from the false assumption that a mere sequence between two things is sufficient to establish a causal relationship between them.

An illustration of this fallacy appears in the following argument:

I. The heavy rainfall in America during the World War was due to the heavy cannonading in Europe; for
   A. The heavy rainfall in America followed the heavy cannonading in Europe.

To avoid this fallacy, a debater should proceed to establish causal relationships on the more valid assumptions that two things are causally related:

1. When they appear invariably in the same sequence; and

2. When no other sequence appears invariably to explain the same fact; and
3. When any variation in one of the things is always accompanied by a corresponding variation in the other.

The Fallacies of Composition and Division. — The *second* common variety of *non-sequitur* may be known either as the fallacy of *composition* or as the fallacy of *division*. These two fallacies are considered together, because one is the converse of the other. The fallacy of composition arises from the false assumption that what is true of a part is also necessarily true of the whole; and the fallacy of division arises from the false assumption that what is true of the whole is also necessarily true of a part.

Illustrations of these two fallacies are given in the following arguments:

Composition

I. The United States could defend itself in war against all the rest of the world; for
   A. The United States could defend itself in war against any other nation in the world.

Division

I. The soldiers of Mexico during the civil wars were poor soldiers; for
   A. The armies of Mexico during the civil wars were poor armies.

The fallacy of composition is always associated with argument by induction; and the fallacy of division is always associated with argument by deduction; but both of these

fallacies result from a misunderstanding of the basic theories involved in these two types of reasoning.

Argument by induction, for example, is based on the theory that what is true of *some, individually,* is true of *all, individually;* whereas, argument involving the fallacy of composition is based on the theory that what is true of *some, individually,* is true of *the whole* or *all, collectively.*

In the same way, argument by deduction is based on the theory that what is true of *all, individually,* is true of *any, individually;* and argument involving the fallacy of division is based on the theory that what is true of *the whole* or *all, collectively,* is true of *any, individually.*

To avoid either one of these fallacies, therefore, the debater needs only to avoid confusion between them and valid reasoning by induction or by deduction.[1]

The Fallacy of Accident. — The *third* common variety of *non-sequitur* is known as the fallacy of *accident.* This type of fallacy is one that arises from the false assumption that what is true in a peculiar instance is also true in an ordinary instance, or what is true in an ordinary instance is also true in a peculiar instance.

An example of this fallacy appears in the following argument:

I. Every public executioner is nothing but a murderer; for
   A. Any man who takes the life of another in cold blood is a murderer.

This argument contains the fallacy of accident, because it assumes that what is true in an ordinary instance is also true in a peculiar instance.

To avoid this fallacy, a debater should test every argument from generalization [2] to see whether the general law or

[1] See pages 74–75.

[2] See pages 84–85.

principle applies to the particular instance in the conclusion. He should test every argument by induction to see whether the given instances are typical.[1] And he should test every argument by analogy to see whether there is any essential difference between the two instances.[2]

The Fallacy of Equivocation. — The *fourth* common variety of *non-sequitur* is known as the fallacy of *equivocation*. This fallacy is one that arises from the false assumption that what is true of a term employed in one sense is also true of the same term employed in an entirely different sense.

An example of this fallacy is found in the following argument:

I. The State of New York has the right to grant patents; for
A. The right to grant patents is a prerogative of the state.

This argument contains the fallacy of equivocation, because it employs the term *state* in two different senses: one denoting a component part of the United States; and the other denoting the abstract sovereign power of a whole nation.

To avoid this fallacy, the debater should always examine any term that is used twice in an argument to see whether it is employed with a double meaning according to a difference between its *original* usage and its *modern* usage; its *general* usage and its *specific* usage; its *common* usage and its *technical* usage; its *figurative* usage and its *literal* usage.

III. Argument Beside the Point

Fallacies of Argument Beside the Point. — The *third* and last main division of material fallacies consists in *argument*

[1] See pages 92–94.
[2] See pages 97, 98–99.

beside the point. This general type of fallacy has many different names; such as, the fallacy of *irrelevant conclusion, ignoring the question, evading the issue,* and *setting up straw men;* but under any one of these names its general nature is essentially the same.

Argument beside the point is a fallacy that occurs whenever proof is advanced in support of a conclusion that has no valid connection with the proposition to be proved. All such proof is said to be beside the point.

This fallacy is, from one point of view, simply another form of the general fallacy of *non-sequitur;* because it never occurs except in conjunction with a fallacy of *non-sequitur.*

The relation between a fallacy of argument beside the point and a fallacy of *non-sequitur* may be made plain by the following skeleton outline of a chain of reasoning:

I. . . . . ; for

(*Non-Sequitur*)

Beside the Point

A . . . . . ; for

1. . . . . ; for

(*a*) . . . . . .

In this skeleton outline each two successive lines may represent an argument. There is a fallacy of *non-sequitur* as indicated between roman I and *A*; and because this fallacy of *non-sequitur* occurs at this place, all proof in support of point *A* in the chain of reasoning is said to be *beside the point; i. e.,* it is aside from the real point or points that should be used to prove roman I.

It would be impossible to give a special name to all the different kinds of argument beside the point, just as it was impossible to do this for all the different kinds of *non-sequitur;* but some of the more common varieties of argument beside the point are:

1. *Argumentum ad Hominem;*
2. *Argumentum ad Populum;*
3. *Argumentum ad Ignorantiam;* and
4. *Argumentum ad Verecundiam.*

The Fallacy of *Argumentum ad Hominem.* — The *first* common variety of argument beside the point is *argumentum ad hominem,* which means *argument to the man.* This type of fallacy is one that occurs whenever proof points, not to the truth or falsity of the proposition to be proved, but merely to the fact that some man associated with the proposition has, or has not, some fault.

The false assumptions that give rise to this fallacy are: that no true proposition is in any way associated with a man having faults; and no false proposition is in any way associated with a man who appears to be faultless.

The most common form of this fallacy is one in which proof is offered merely to discredit an opponent by an attack on his character and motives, or by an exposure of some flaw in his record.

An example of this fallacy is found in a recent controversy concerning whether Congress should enact a protective tariff measure advocated by Republicans. In this controversy, certain Republicans sought to defend the proposed measure by means of the following argument:

I. The Democrats have no right to attack a Republican protective tariff measure on the ground that it would increase the cost of living, for
   A. Under a recent Democratic administration the living cost was higher than at any other time during the history of the country.

This proof contains the fallacy of *argumentum ad hominem;* because it points, not to the truth or falsity of the

proposition that a protective tariff should be enacted, but merely to the fact that the Democratic opponents of this measure were not faultless, as shown by flaws in their record.

The Fallacy of *Argumentum ad Populum*. — The *second* common variety of argument beside the point is *argumentum ad populum*, which means *argument to the people*. This type of fallacy is one that occurs whenever proof points, not to the truth or falsity of the proposition to be proved, but merely to the fact that the people are *for* the proposition or *against* it.

The false assumptions that give rise to this fallacy are: that no proposition is false, if the people are for it; and no proposition is true, if the people are against it.

An example of this fallacy is found in the old controversy concerning the truth of Darwin's theory of evolution. The opponents of this theory have often sought to destroy it by means of the following argument:

I. The great majority of people will never admit that their ancestors were apes; for
   A. By admitting this fact, they would lower themselves to the level of brutes.

This proof contains the fallacy of *argumentum ad populum*; because it points, not to the truth or falsity of Darwin's theory, but merely to the fact that a great number of people are against it.

The Fallacy of *Argumentum ad Ignorantiam*. — The *third* common variety of argument beside the point is *argumentum ad ignorantiam*, which means *argument to ignorance*. This type of fallacy is one that occurs whenever proof points, not to the truth or falsity of the proposition to be proved, but merely to the fact that there is ignorance among people concerning it.

The false assumptions that give rise to this fallacy are: that whenever any person lacks information to prove a proposition, the proposition is false; or whenever any person lacks information to disprove a proposition, the proposition is true.

An example of this fallacy is found in an anecdote concerning a boy in a geometry class who had not studied his lesson and who was asked to prove that a given line was straight. The boy, not knowing what else to say, offered the following proof:

I. This line is a straight line; because
   A. No one in this class can prove that it is crooked.

This proof contains the fallacy of *argumentum ad ignorantiam* because it points, not to the truth or falsity of the proposition that the line was straight, but merely to the fact that certain persons lacked information to disprove that it was straight.

The Fallacy of *Argumentum ad Verecundiam*. — The *fourth* common variety of argument beside the point is *argumentum ad verecundiam*, which means *argument to that which inspires reverence*. This type of fallacy is one that occurs whenever proof points, not to the truth or falsity of the proposition to be proved, but merely to the fact that the proposition is supported by authority that inspires reverence or respect.

The false assumption that gives rise to this fallacy is: that whenever a proposition is supported by authority that inspires reverence or respect, then the proposition must be true.

This fallacy occurs most frequently in arguments that appeal merely to reverence for the authority of *old age*,

exalted position, ancient custom and *tradition, sacred literature,* and *established institutions.*

An example of this fallacy is found in the old controversy concerning whether or not the institution of human slavery was justifiable. In this controversy, those who defended slavery often advanced the following proof:

I. The institution of human slavery has existed since the very beginning of time; for
   A. Slavery existed among the ancient Egyptians;
   B. It existed among the ancient Hebrews;
   C. It existed in ancient Greece;
   D. It existed in ancient Rome;
   E. It existed in the Middle Ages; and
   F. It has continued down to the present.

This proof contains the fallacy of *argumentum ad verecundiam;* because it points, not to the truth or falsity of the proposition that slavery is justifiable, but merely to the fact that slavery is supported by the authority of ancient custom, which is supposed to inspire reverence or respect.

Summary of the Subject of Fallacy. — The treatment of fallacy as presented in this chapter does not pretend to be exhaustive; for certain large groups of fallacy, as the subject is treated in logic, have been omitted. Those fallacies, however, about which every debater should have some knowledge have been thoroughly explained. If the debater understands the two different methods of detecting fallacy and is familiar with all the common forms of begging the question, *non-sequitur,* and argument beside the point, then he should be able, not only to avoid fallacy in his own proof, but also to detect and expose it in the proof of his opponent.

CHAPTER IV

REFUTATION[1]

Constructive Proof and Refutation. — Proof in debate is employed to accomplish two very distinct purposes: *First*, to create belief in one side of a proposition; and *second*, to destroy belief in whatever tends to establish the opposite side of the proposition. When proof is employed to create belief, it is called *constructive proof;* and when it is employed to destroy belief, it is called *destructive proof*, or *refutation*.

Importance of Refutation in Debate. — Without refutation, debate is impossible; for debate is essentially an art of controversy; and, as such, demands a conflict between those who represent one side of a proposition and those who represent the other. This conflict can be carried on, however, only as the constructive proof advanced on one side is met by destructive proof advanced on the other. Refutation, therefore, as an element of proof, constitutes one of the most essential processes in the art of debate.

Definition of Refutation. — *Refutation* is a form of proof that may be known as disproof. In other words, it consists of proof employed to meet and overthrow opposing proof.

Refutation Applied either to Arguments or to Statements. — The term *refutation* is applied either to the process of disproving arguments or to the process of disproving statements; but in either case it represents essentially the same

[1] For lesson assignments on *Refutation*, see Appendix A.

process; for, when an argument is refuted, a single instance of proof is met and overthrown; and, when a statement is refuted, all proof that might be advanced in its support is met and overthrown.

Refutation a Form of Argument by Deduction. — Refutation is often thought to involve an entirely different kind of reasoning from that employed in other proof; but in reality, it consists always of argument by deduction,[1] sometimes in the form of a full syllogism,[2] and sometimes in the form of an enthymeme.[3]

The structure of an argument given in refutation is shown by the following illustration:

I. The argument that: The power of the United States Senate to veto legislation passed by the House of Representatives should be limited because the power of the English House of Lords to veto legislation passed by the House of Commons has been limited, — is fallacious; for

A. There is no essential similarity between the United States Senate and the English House of Lords; and

B. Unless there is an essential similarity between these two instances, no valid inference can be made from one to the other.

This example of refutation takes the form of a full syllogism; but either of its premises might be omitted, and then it would take the form of an enthymeme.

The major premise in refutation always refers to some general law or principle that must either be followed or

[1] See pages 74–75.

[2] See page 77.

[3] See pages 83–84.

avoided in valid reasoning; and the minor premise always points out the way in which opposing proof violates some general law or principle of valid reasoning.

Problems of Refutation. — The chief problems confronting a debater in the study of refutation are to understand:

1. What to refute;
2. When to refute;
3. Where to refute; and
4. How to refute.

These problems will be considered one at a time in the order given above.

What to Refute. — No mistake is more common among debaters than to attempt to refute every argument and every statement made by an opponent. Such an effort is a great strain on a debater, and is, of course, foredoomed to failure, because no opponent worth arguing with is always wrong in whatever he may think or say.

A debater, therefore, should choose with great care those points made by his opponent that are worthy of refutation. These points will usually be the points that make the most impression on the hearers, and the points which convey the gist of an opponent's proof.

A debater should never waste his time or his energy on points that have nothing to do with the case or on points that may be admitted without injury. Such points he should immediately exclude from consideration, and then he should proceed to refute only those more important points that seriously threaten his view of the case.

When to Refute. — Another common mistake among debaters is to attempt to refute the constructive proof in an opponent's case before this proof is presented. This

practice, of course, is always dangerous, because it is seldom possible to forecast with absolute accuracy what an opponent will say; and when an opponent finds that his arguments are already refuted, he will in most cases deny that he ever intended to use such arguments and then proceed to advance others in their stead. The only safe rule to follow, therefore, is to postpone refutation until constructive proof has been advanced that actually demands refutation.

Where to Refute. — The *third* problem confronting the debater in refutation is to determine at what point in his speech he should undertake it. Should it come before, along with, or after his constructive proof? The answer to this question will vary according to circumstances, but will follow, nevertheless, certain very definite rules.

If the refutation is given in answer to proof that has just been presented by an opponent, then it should be grouped at the beginning of the speech before any constructive proof is attempted.

If the refutation is given in answer to proof that occurs merely as a possible objection or as upholding a possible alternative proposition, then it may be scattered in with the constructive proof or grouped after it in the body of the speech.

Refutation should never be given the last place in a speech, however; for the debater's object should be to leave a lasting impression by his final remarks that he has established the truth of his position rather than merely destroyed whatever tends to establish the opposite truth. Refutation, therefore, should always be followed either by constructive proof, or, at least, by a summary of constructive proof that has been previously advanced.

How to Refute. — The chief problem confronting a debater in respect to refutation is not, however, what to refute, nor when to refute, nor where to refute, but is rather how to refute.

This problem may be met *first* by pointing out how refutation should be stated in contrast with constructive proof; *second*, by showing the various openings for attack in refutation; and *third*, by explaining all the different methods of refutation commonly employed in debate.

The Statement of Refutation. — One of the first things that a debater should learn about refutation is the difference between the way in which it must be stated and the way in which constructive proof is stated; for otherwise refutation may be confused with constructive proof and much of its force will be lost because its bearing on the proposition will be hard to see.

Refutation should always differ in statement from constructive proof by setting forth clearly at the outset certain proof that is to be met and overthrown. This means, therefore, that when refutation is expressed in brief form, a full statement of the proof to be refuted must be given in the conclusion.

Various examples of the proper method for stating refutation will be found within the present chapter.

Openings for Attack in Refutation. — If the debater is to acquire any degree of proficiency in refutation, he must be thoroughly familiar with all the available openings for attack against an opponent's proof. These openings are:

1. Mere Assertion;
2. Unreliable Evidence; and
3. Weak Argument.

Four Methods of Refutation. — The four principal methods of refutation commonly employed in debate are:

1. Refutation by the Tests of Evidence;[1]
2. Refutation by the Tests of Argument;[2]
3. Refutation by the Exposure of Definite Fallacies;[3] and
4. Refutation by Means of Special Devices.

Of these four methods, the first may be used to overthrow mere assertion and unreliable evidence; and the second and third may be used to overthrow weak argument.

Only the fourth method will be given consideration in detail at this point, because the other three have already been considered at length in the preceding chapters on Evidence, Argument, and Fallacy.

Refutation by Special Devices. — Special devices commonly employed in refutation are:

1. Turning the Tables;
2. *Reductio ad Absurdum;*
3. The Method of Residues; and
4. The Dilemma.

Turning the Tables. — *Turning the tables* is a form of refutation in which an opponent's proof is overthrown by accepting one of his premises and from it establishing the opposite conclusion.

An illustration of this method of refutation is found in the following argument taken from a daily newspaper:

I. The argument that: — A high protective tariff should be levied on lumber, since the lumber industry needs to

[1] See pages 61-62.

[2] See pages 101–103.

[3] See page 107.

be encouraged, because the lumber supply is becoming scarce, — is unsound; for

A. The very fact that the lumber supply is becoming scarce is a reason for not levying a high protective tariff on lumber; for

1. A high protective tariff would result in still further depleting our native lumber supply; and
2. With a still further depleted lumber supply, resulting in still higher prices for lumber, a complete collapse in much needed building projects may be expected.

Turning the tables by accepting an opponent's premise and reversing his conclusion is a method of refutation that is especially adapted to the overthrow of arguments from antecedent probability and arguments from sign;[1] for, to refute such arguments, a debater needs only to show that an opposite effect follows from an alleged cause; or that an opposite cause is the source of an alleged effect.

This method of refutation may be applied as easily, however, to the overthrow of an attack upon an argument by analogy;[2] when this attack is based on a difference between the given instances that merely accentuates the real cause for the truth of the original conclusion.

An instance of turning the tables in such a case is found in the following proof:

I. The argument that: — Kings should not be expected to observe the common laws of morality that are imposed on other people, because kings occupy a higher station in society, — is unsound; for

[1] See pages 86–88, 90, 91.

[2] See pages 74–75, 98–99.

A. The very point of difference, that kings do occupy a higher station in society, should cause them, even more than other people, to observe the common laws of morality.

Reductio ad Absurdum. — The *second* special device commonly employed in refutation is called *reductio ad absurdum*, which means *reduction to an absurdity*. This method of refutation is one in which an opponent's argument is destroyed by exposing the absurdity of the general assumption on which it is based.

Refutation by this method may be accomplished in some instances merely by stating the general assumption on which the opposing proof is based; and, because this assumption is so obviously absurd, the argument derived from it will appear absurd also.

An instance of this kind is found in the following refutation:

I. The argument that: — Aaron Burr should never have turned out to be a political renegade, because he was a grandson of the eminent Puritan divine, Jonathan Edwards, — is absurd; for

A. This argument is based on the absurd theory that by the laws of heredity no grandchild of an eminent clergyman should ever turn out bad.

In this instance of refutation, it will be noted that the debater has merely supplied in his opponent's argument the implied and absurd major premise that must have served as the general assumption on which his opponent's argument was based. Because the absurdity of the implied major premise is exposed, the whole argument is reduced to an absurdity.

In most instances, however, *reductio ad absurdum* demands of the debater that he discover the underlying general assumption in his opponent's proof and then apply this assumption to other instances that are obviously absurd.

This form of *reductio ad absurdum* is found in the following refutation employed by Henry Ward Beecher in his famous *Liverpool Speech:*[1]

I. The argument that: — The sympathies of England should be extended to the South in the Civil War, because the people of the South were members of a minority, — is absurd; for

A. This argument is based on the assumption that our sympathies should always be extended to those who are in a minority; and

B. If this assumption were carried out in all instances, it would lead us to bestow our sympathies on thieves when they are taken into the custody of the law; for

1. Surely a thief when taken into custody is a member of a minority.

To acquire facility in the use of *reductio ad absurdum,* the debater should be constantly on the alert to discover arguments of his opponent that are based on the false, but common, general assumptions:

That a mere sequence between two things is sufficient to establish a causal relationship between them;

That what is true of a part is also necessarily true of a whole, and *vice versa;*

[1] See Johnston and Woodburn: *American Orations,* Vol. IV, pp. 110–111.

That what is true in a peculiar instance is also true in an ordinary instance and *vice versa;*

That what is true of a term employed in one sense is also true of the same term employed in an entirely different sense;

That no true proposition is in any way associated with a man having faults; and no false proposition is in any way associated with a man who appears to be faultless;

That no proposition is false, if the people are for it; and no proposition is true, if the people are against it;

That when any person lacks information to prove a proposition, the proposition is false; and whenever any person lacks information to disprove a proposition, the proposition is true; — and

That whenever a proposition is supported by authority that inspires reverence or respect, then the proposition must be true.[1]

The one caution that must be observed in all attempts to employ the method of *reductio ad absurdum* is that the debater should always demonstrate the absurdity of his opponent's proof, and never be content merely to brand it as absurd.

The Method of Residues. — The *third* special device commonly employed in refutation is known as the *method of residues.* This device differs from all other methods of refutation in the fact that it makes destructive proof serve the purpose of constructive proof.

The method of residues is a device that enables one to establish a given proposition by overthrowing all alternative propositions that might be substituted for it.

[1] See Fallacies of *Non-Sequitur* and Argument Beside the Point, pages 110–119.

One of the best examples of the use of this device is found in Edmund Burke's speech on *Conciliation with the Colonies*.[1] In this speech, Burke maintained that:

I. In order to establish peace, England must comply with the stubborn spirit that prevails in the colonies; for
   A. Only three ways of dealing with the colonies exist: namely, to change their spirit as inconvenient by removing the causes; to prosecute it as criminal; or to comply with it as necessary; and
   B. Only the last way lies open; for
      1. To remove the cause of this spirit is impracticable; and
      2. To prosecute this spirit is both impracticable and inexpedient.

It will be seen at a glance that this method of refutation involves the use merely of a disjunctive syllogism;[2] and, hence, the same rules must be applied to the method of residues that are applied to this form of syllogism. Chief among these rules are the requirements that:

1. The alternative propositions must be exhaustive; and
2. They must also be mutually exclusive.

This method of refutation should be employed only when the alternative propositions are few in number; when they may be quickly disposed of; and when the refutation is absolutely conclusive.

The Dilemma. — The *fourth* and last special device employed in refutation is called the *dilemma*. This device is one in which two theories of proof are presented to an opponent, one of which he must accept, and either one of which will destroy his contention.

[1] See Bradley's *Orations and Arguments*, pp. 27–35.

[2] See pages 81–82.

The dilemma means literally *two horns;* and consists, therefore, of an argument that presents to an opponent two theories of proof resembling horns, both of which threaten him, and on one of which he must be gored.

This method of proof was discovered by the earliest rhetoricians and ever since their time has been considered one of the cleverest devices employed in debate.

The Constructive Dilemma. — The dilemma may be used either as a method of constructive proof or as a method of destructive proof.

The *constructive dilemma* is one that involves at least two premises: one to the effect that the conclusion must follow, if either one of two conditions is fulfilled; and the other to the effect that one or the other of these two conditions must be fulfilled.

Two remarkable instances of the use of this dilemma have come down to us from the ancient rhetoricians in regard to a certain case that was brought into court. The case arose under the following circumstances: A teacher of law and rhetoric took a pupil with the understanding that the pupil should pay for his instruction when he had won his first case in court. The pupil received his instruction and then never undertook to plead a case in court; whereupon the teacher becoming impatient sued him for his tuition fee.

The teacher presented to the court the following dilemma:

I. My pupil should pay me his tuition fee; for
   A. My pupil will either win or lose this first case of his in court; and
   B. If either one of these conditions is fulfilled, he must pay; for

1. If he wins, then he must pay in order to fulfill the terms of his contract; and
2. If he loses, then he must pay because the court decides in my favor.

The pupil, however, not to be outdone by his teacher, presented to the court the following dilemma:

I. I should not pay to my teacher this tuition fee; for
   A. I shall either win or lose this first case of mine in court; and
   B. If either one of these conditions is fulfilled, I should not pay; for
      1. If I win, then I should not pay because the court decides in my favor; and
      2. If I lose, then I should not pay according to the terms of the contract.

These two instances show the baffling nature of the dilemma; and are perhaps too clever to be met under any ordinary circumstances. To show, however, that the dilemma is used with effect under more ordinary conditions, another example is given below from a modern case in court:[1]

I. The witness, Mr. Oldham, is a villain whose testimony cannot be relied upon; for
   A. When the witness testified that he shot another man for the mere sake of shooting some one, either he told the truth, or he lied; and
   B. In either case, he is a villain whose testimony cannot be relied upon; for
      1. If he told the truth, then he is an assassinating villain whose testimony cannot be relied upon; and

[1] See speech by Prentiss *In Defense of Judge Wilkinson; Great Speeches by Great Lawyers*, p. 111.

2. If he lied, then he is a perjured villain whose testimony cannot, therefore, be relied upon.

The Destructive Dilemma. — The destructive dilemma, in contrast with the constructive dilemma, is the form in which this device usually appears in refutation.

The *destructive dilemma* is one that involves at least two premises: one to the effect that the conclusion cannot follow, unless either one of two conditions is fulfilled; and the other to the effect that neither one of these two conditions is fulfilled.

Two good examples of this type of dilemma are found in a speech of John C. Calhoun delivered in the debate over the *Ten-Regiment Bill* during the Mexican War.[1] The first of these dilemmas was:

I. The contention that: — The President of the United States has authority to lay duties and taxes on the commerce and people of Mexico, — is false; for
   A. He has no such authority, unless it has been conferred upon him either by the Constitution or by the laws; and
   B. Neither the Constitution nor the laws have conferred upon him this authority.

The second dilemma presented in the same connection was:

I. The President has had no such authority conferred upon him by the Constitution; for
   A. If he has, this authority must have been included among either his express or his implied powers; and
   B. Neither his express nor his implied powers vest him with such authority.

[1] See Denney, Duncan, McKinney, *Argumentation and Debate*, p. 204.

Refutation Applied to the Dilemma. — The validity of a dilemma depends entirely upon whether all the possibilities of proof are exhausted in the theories that are presented; and also upon whether the conclusion necessarily follows from each of the theories.

To refute a dilemma, the debater should always seek, therefore: *First,* to find a third horn on which he may escape; or *second,* to destroy one or both of the horns that threaten him.

If the second method is employed in the case of a constructive dilemma, both horns must be destroyed; but, in the case of a destructive dilemma, either horn may be destroyed.

Expanded Forms of the Dilemma. — The method of proof represented by the dilemma is capable of indefinite expansion according to the number of horns that may be presented against an opponent. If the proof involves two horns, it is a *dilemma;* if it involves three, it is a *trilemma;* if four, a *tetralemma;* and if five or more, a *polylemma.*

Summary of Refutation. To become a thorough master of debate, a student must acquire skill in the use of all the different weapons of controversy. These weapons include both constructive and destructive proof. Refutation, therefore, which consists of destructive proof is one of the most important processes in debate, and the student must know regarding it what to refute, when to refute, where to refute, and how to refute. He should practice continually on the various methods of refutation, and should give particular attention to turning the tables, *reductio ad absurdum,* the method of residues, and the dilemma.

PART III. BUILDING THE CASE

CHAPTER I

DEFINING THE TERMS[1]

Preliminary Statement. — In Part I of this text under the general title, *Beginning Principles,* sufficient theory has been given to enable the student to begin intelligently the practice of debate. In Part II, under the general title, *Elements of Proof,* a thorough consideration has been given to all the elements of proof that must be used by a debater in the practice of his art. And now in Part III, under the general title *Building the Case,* it is planned to give the student a thorough understanding of the process by which all the different elements of proof may be assembled under a proposition to constitute what is known as a *case.*

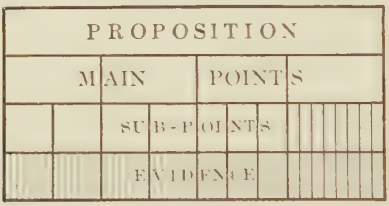
Definition of a Case. — A *case* consists of all the assembled proof that is available for determining the alleged truth of a proposition. When this proof is assembled in such a way that it tends to establish the alleged truth of a proposition, then it constitutes an *Affirmative case;* and when it is assembled in such a way that it tends to disestablish the alleged truth of a proposition, then it constitutes a *Negative case.*

Process of Building a Case. — The process of building a case is one in which a solid foundation of proof is laid under a proposition to give it firm support; and this process may be

[1] For lesson assignments on *Defining the Terms,* see Appendix A.

likened to laying a similar solid foundation under any material structure. The supports in this foundation may be referred to as: the main points; the subordinate points; and the evidence.

A graphic illustration of the manner in which a case lays solid foundations of proof under a proposition is given in the diagram below:



Importance of Building the Case. — The general process of building the case is one of the most important parts of a debater's preparation for actual debate; for, without a fully developed case a debater cannot hope to settle finally the alleged truth of his proposition; he cannot hope to avoid the fatal criticism of being superficial; and he cannot hope to escape the snares and pitfalls that will be set for him in the proof of his opponents.

The Four Main Steps in Building the Case. - The four main steps in building the case are:

1. Defining the Terms;
2. Surveying the Proof;
3. Finding the Issues; and
4. Drawing the Brief.

By *defining the terms* of a proposition, the debater makes sure of the exact nature of the proposition to be upheld, and, thereby, lays the basis for excluding much proof from his

case that supports propositions of an entirely different nature.

By *surveying the proof* under a proposition, the debater lays out all the logical possibilities of proof that may be employed to support both the Affirmative and the Negative sides of a case.

By *finding the issues* under a proposition, the debater selects those points of proof that he himself must make firm as supports for his proposition; and separates these points from other points that in no way affect his proposition, and from other points that are already firmly established under his proposition.

And then by *drawing the brief* of a case, the debater assembles around the issues in an orderly fashion all the available proof in a case in such a way that it shows clearly every process of reasoning by which the proposition is upheld or overthrown.

Problems of Definition. — The principal problems confronting the student in an attempt to define the terms of his proposition are:

1. What terms require definition?
2. How may definitions be found?
3. How may definitions be formulated?
4. What methods of definition are most valuable? — and
5. How may definitions be tested for clearness and accuracy?

Terms Requiring Definition. — Not all terms in a proposition, of course, require definition; but only those terms that may give rise to more than one interpretation. Such terms usually are *unfamiliar terms*, *technical terms*, *figurative terms*, *abstract terms*, and *very general terms*.

To illustrate: In the following proposition: — Resolved: That Professor Huxley in his *Three Lectures on Evolution* completely disproved the Miltonic hypothesis in regard to the creation of the world; — the term *Miltonic hypothesis in regard to the creation of the world* requires definition, because it is *unfamiliar.*

In the following proposition: — Resolved: That employers generally should recognize the principle of the closed shop; — the term *closed shop* requires definition, because it is *technical.*

In the following proposition: — Resolved: That the League of Nations established by the Treaty of Versailles is nothing more than a mere rope of sand; — the term *rope of sand* requires definition, because it is *figurative.*

In the following proposition: — Resolved: That any serious affront to a nation's honor is sufficient justification for war; — the term *nation's honor* requires definition, because it is *abstract.*

In the following proposition: — Resolved: That all New England cities with a population of less than 500,000 and more than 25,000, should adopt the city-manager plan of government; — the term *all New England cities with a population of less than* 500,000 *and more than* 25,000 requires definition, because it is *very general.*

Sources of Definition. — The task of finding a definition to make clear the exact meaning of a term seems, at first, like a very simple matter; but, in reality, it is often very difficult.

The debater's first thought, of course, is to consult a dictionary; but a definition taken from a dictionary is frequently inadequate; for, in many instances, it is too short and too general to fit the exact meaning of the term in ques-

tion; and in many other instances, it is too technical to be readily understood.

The debater's second thought must be, therefore, to consult the works of specialists in the particular field to which the term belongs. Here, he is likely to find the most satisfactory definition; but even in such works, he is sometimes disappointed; and then, as a last resort, he must construct a definition of his own from whatever general or special information he may have at his disposal.

Methods of Formulating Definitions. — Because it is frequently necessary for a debater to construct his own definitions, it is important that he should be familiar with the six common methods of definition employed in dictionaries. These are:

1. Definition by Etymology;
2. Definition by Analysis;
3. Definition by Exclusion;
4. Definition by Example;
5. Definition by Analogy; and
6. Definition by Context.

Definition by Etymology. — The *first* common method of definition is called *definition by etymology.* This method consists in explaining the meaning of a term by showing its derivation; that is, by showing its original meaning, or by breaking the term up into its component parts and showing the literal meaning of each.

To illustrate: The term *senate* might be defined by etymology as an assembly of old men, being derived from the Latin word *senatus*, which in turn comes from the Latin word *senex*, meaning an old man, and signifies *an assembly of old men.*

And similarly the term *parliament* may be defined as a conference for speaking, being derived from the French word *parler, to speak*, and the termination *mentum, an institution for.*

The vividness of this method of definition is brought out clearly in the definitions of such words as *dilemma, a two-horned argument;* and *sophomore, a wise-foolish person.*

Definition by Analysis. — The *second* common method of definition is called *definition by analysis.* This method consists in explaining the meaning of a term by setting forth the essential characteristics of the thing that the term represents. A statement of these characteristics may include a description of its appearance, its parts, its origin, and its purpose.

To illustrate: The following definition is one that is constructed according to this method:

The Panama Canal is an inter-oceanic ship canal across the Isthmus of Panama, running southeast from Colon on the Atlantic side to Panama City on the Pacific side; constructed with locks and supplied with water from the Chagres River and Gatun Lake; built, owned, and operated by the United States Government, under treaty stipulations with Great Britain and the Republic of Panama; for the purpose of avoiding either the long, hazardous journey around South America or trans-shipment of goods by rail over the Isthmus; in order to improve the naval defenses of the United States, to provide a cheap water-route from the east coast to points on the west coast of both Americas, or *vice versa*, and to provide shorter trade-routes for the commerce of the whole world.

Definition by Exclusion. — The *third* common method of definition is called *definition by exclusion.* This method

is one used in conjunction with the method by analysis, and consists in explaining the meaning of a term by setting forth what it does not mean; that is, by setting aside certain meanings that are sometimes erroneously attached to it, and by differentiating it from its synonyms.

To illustrate: The first part of the following definition is constructed according to this method:

Capital punishment in the United States *does not assume the form of beheading* according to the literal meaning of the term; but assumes the form usually of hanging or electrocution.

Definition by Example. — The *fourth* common method of definition is called *definition by example.* This method consists in explaining the meaning of a general term by citing examples of the things to which it does, or does not, apply. This method of definition is commonly used in conjunction with the methods by analysis and by exclusion.

To illustrate: The following definition for the most part is constructed according to this method:

The term *legal tender* denotes whatever must be recognized under the authority of the government as a medium of commercial exchange. In most countries, it consists of gold or silver coin or government paper, except for small sums when coins made from copper or other less valuable metals are generally used. Legal tender may vary, however, according to the times and the country, as, for example, among the Spartans iron was the recognized medium of exchange; in primitive Britain a white woman or a Saxon slave-boy was once a medium of exchange; among the American Indians wampum was the recognized medium; among the early American colonists of the South, tobacco was the medium; and in Germany during the World War

coins made from porcelain were authorized by the government.

Definition by Analogy. — The *fifth* common method of definition is called definition by *analogy*. This method consists in explaining the meaning of a term by comparing it to other terms of a somewhat similar meaning. This comparison may be effected either by the mere citation of synonyms or by the use of similes. Definitions by this method are commonly used in conjunction with definitions by analysis and by exclusion.

To illustrate: The following definition by analogy is one that merely cites synonyms:

The term *plebiscite* is a term of French origin that corresponds exactly to the more common term *referendum* as this term is used in America. The term *plebiscite*, however, should not be used to denote what is commonly known in America as *the initiative*.

The following definition by analogy is one that employs similes:

The *Electoral College*, as provided for in the United States Constitution, is not *like the ordinary college;* for it is in no sense an educational institution; but it is rather an institution which is intended to safeguard the election of a President; and is *like the College of Cardinals* at Rome which assembles for the purpose of electing a Pope.

Definition by Context. The *sixth* and last common method of definition is called definition by *context*. This method consists in making plain the special sense in which a term is used by reference to the words immediately preceding or following it, or immediately associated with it, in the same discourse.

To illustrate: The following definitions of the term *case* are made according to this method:

The term *case*, when employed in connection with medical and surgical practice, means a patient under treatment or an instance of sickness or injury. When employed in connection with law, it means a suit, an action, or a cause. When employed in connection with grammar, it means one of the inflectional forms of a noun, pronoun, or adjective, which indicate its relation to other words, such as the nominative case, the objective case, etc. But when employed in debate, it means all the assembled proof that is available for determining the alleged truth of a proposition.

An instance of the application of this method in defining one of the terms in a proposition is found in connection with the following proposition: *Resolved: That the world powers should adopt a policy of disarmament providing for a permanent naval holiday.* The term *naval holiday* in this proposition very plainly does not refer to any ordinary holiday for the officers and men of the navy; but refers to a scheme providing for a cessation in the building programs for the navies of the great powers; because the term *naval holiday* is used in a proposition in connection with *disarmament;* and it is not *a single specified holiday,* but *a permanent holiday.*

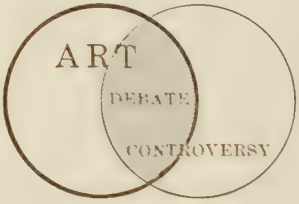
Most Valuable Methods of Definition. — All the different methods of definition described above may prove serviceable at times to the debater; but the one method that is indispensable is the method by analysis. In conjunction with this method, the method by exclusion will be used almost invariably; and, hence, the method by analysis and the method by exclusion are the most valuable methods for the debater.

Fundamental Character of Definition. — *Definition* is fundamentally a process of fixing the boundary lines for the meaning of a term, as is clearly indicated by the appearance of the stem-word *finis* in the word *definition* itself. The process of definition consists, therefore, in establishing, first, the broadest boundaries for the meaning of a term, and then in drawing these boundaries closer and closer, so as to include only what the term specifies, and to exclude all other suggested or associated meanings.

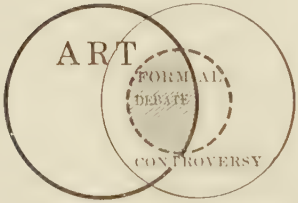
To illustrate the process of definition by drawing the boundary lines of a term closer and closer, the following definition of *debate*, with accompanying diagrams, may be used:

Definition: Debate is the art of formal and oral controversy.

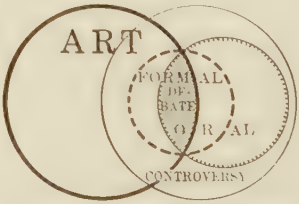
I. Debate is an *art.*



II. Debate is an art of *controversy.*



III. Debate is an art of *formal* controversy.



IV. Debate is *the* art of formal and *oral* controversy.

Tests of Definitions for Clearness and Accuracy. — When a debater has defined his terms either by discovering

definitions ready-made or by formulating his own, before using these definitions he should test them to see whether they are clear and accurate. For this purpose the following tests are provided:

1. Does the definition classify the thing to be defined?
2. Does it state all the essential characteristics of the thing to be defined?
3. Does it differentiate the thing to be defined from all other things with which it is likely to be confused?
4. Does it use the term to be defined to define itself?
5. Does it employ terms that are more familiar than the term to be defined?

Summary of Defining the Terms. — In building the case, the subject of definition is important; because a debater must define the terms of his proposition in order that he may select proof to support his proposition, and not proof that supports an entirely different proposition. A debater, therefore, should study this subject with the purpose of discovering: *First*, what terms require definition; *second*, how needed definitions may be found; *third*, how definitions may be formulated; *fourth*, what methods of definition are most valuable; and *fifth*, how definitions may be tested for clearness and accuracy. When a debater has become thoroughly proficient in the process of defining terms, then he is able to undertake the first step in building a case.

CHAPTER II

SURVEYING THE PROOF[1]

Preliminary Statement. — The first step in building a case must always be to define the terms; for, by this means, the debater establishes the exact nature of the proposition to be upheld, and thereby lays a basis for determining roughly what proof he should *include* in his case under the proposition, and what proof he must exclude from his case because it supports propositions of an entirely different nature.

The next step then should be to push still further this process of determining what must be *included* in a case by making a survey of all the logical possibilities of proof by which the proposition could be either upheld or overthrown. This second step is called *surveying the proof.*

No process in the entire preparation for debate is more important than surveying the proof; for only by this means can the debater feel sure that he has missed no vital point to support his own side of the proposition and that he is ready to meet whatever line of argument his opponents may advance.

Process of Surveying the Proof. — The process of *surveying the proof* consists in laying out, by means of structural outlines,[2] or by means of diagrams, or by means of these two devices combined, all the logical possibilities of proof that might be used to support or overthrow the proposition.

[1] For lesson assignments on *Surveying the Proof,* see Appendix A.
[2] See page 37.

Survey Determined by Type of Proposition. — The method of surveying the proof varies fundamentally according to the type of proposition under discussion. A very different method is employed for surveying the proof under a proposition of fact from that which is employed for surveying the proof under a proposition of policy; and, hence, the whole subject of surveying the proof must be approached: first, from the standpoint of what is necessary for a proposition of fact; and, then, from the standpoint of what is necessary for a proposition of policy.

These two types of proposition have been defined in the chapter on *Choosing the Subject.* [1] A proposition of fact is one that affirms or denies the existence of things, the occurrence of acts, the classification of objects, or the connection of events. And a proposition of policy is one that affirms or denies that a specified course of action, in preference to other possible courses of action, should be adopted.

I. Survey for Proposition of Fact

Survey of the Proof under a Proposition of Fact. — A survey of the proof under a proposition of fact will reveal all the different possibilities of proof by which the proposition may be upheld or overthrown. These various possibilities of proof are given in the following structural outline:

I. [Proposition] The proposition of fact is true; for
[Possibilities of Proof]
   A. The proposition is supported by direct evidence from reliable authorities.
   B. The proposition is supported by general laws or principles of human experience.

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[1] See pages 20–21.

C. The subject in controversy may be classified in such a way as to demonstrate the truth of the proposition.
D. The proposition is made probable by prior facts.
E. The proposition is made probable by subsequent facts.
F. If general, the proposition is supported by numerous examples.
G. If specific, the proposition is supported by numerous similar instances.
H. No counter proposition can be true.

In this survey of the proof for a proposition of fact, it will be noted that the first seven points suggest proof by means of each of the following types of argument: (1) Argument from Authority; (2) Argument from Generalization; (3) Argument from Classification; (4) Argument from Antecedent Probability; (5) Argument from Sign; (6) Argument by Induction; and (7) Argument by Analogy.[1] The eighth point, then, will be proved, like any proposition of fact, by the methods suggested in the first seven points.

For certain varieties of propositions of fact, some of these possibilities of proof may not be applicable; but the debater should not rest in the preparation of his case under any proposition of fact until he has investigated the possibility of applying each of these methods of proof.

The points in this survey are all laid out as they would be phrased in support of the Affirmative side of the proposition. If treated from a Negative point of view, however, they would, with equal accuracy, suggest all the possibilities of proof for the Negative.

Application of the Survey under a Proposition of Fact. — The structural outline given above in the survey for a proposition of fact is intended merely to show the logical possi-

[1] See chapter on *Argument*, pages 84, 91, 95.

bilities of proof under such a proposition. The points given in this survey should be regarded, then, merely as formulas for suggesting the actual points that would be used in a specific, concrete case. This structural outline has its practical application, therefore, when it is used to discover actual points in actual cases.

An illustration of the practical application of this structural outline may be seen in the following brief-outline of actual points in an actual case. This case was one in which William H. Seward defended William Freeman, a negro, on a charge of murder, contending that Freeman was insane.[1] In this outline, it will be noted that with only one exception each of the points in the survey (pp. 147–148) has suggested an actual point in the case.

I. [Proposition] William Freeman is insane; for

[Actual Points in the Proof]

A. His own mother has testified that he became insane after a brutal assault made upon him by his jailer. (See Point *A*, page 147.)

B. When a man has lost his memory, speaks incoherently, wears a vacant expression, is subject to delusions, kills a whole family without any motive, and then cannot even recognize his counsel, he is insane. (See Point *B*, page 147.)

C. Freeman's condition may be classified as a combination of *mania* and *dementia*. (Point *C*, page 148.)

D. There were in William Freeman's life many predisposing causes for insanity; (Point *D*, page 148) for

1. He was the son of drunken, degenerate parents.
2. He was unjustly imprisoned before the alleged murders for a crime he did not commit.

[1] See *Great Speeches by Great Lawyers*, pages 149–190.

3. While in prison, he was brutally beaten over the head with a shovel by his jailer.

E. Since the assault upon him in the jail, he has shown many signs of insanity; (see Point *E*, page 148) for
1. He has no memory of the awful events on the night of the alleged murders.
2. He has always spoken incoherently.
3. He has uniformly worn an idiotic smile.
4. He has been subject to delusions.
5. He has killed a whole family without any motive.
6. He is indifferent to his surroundings.
7. He cannot even recognize his counsel.

F. There is a precedent for adjudging him insane in the case of Kleim that was recently decided in the courts of this same State. (See Point *G*, page 148.)

G. It is impossible that a man so ignorant could successfully feign insanity. (See Point *H*, page 148.)

In this outline of actual points in an actual case, no point is given to correspond with Point *F* in the previous structural outline because the proposition under discussion is specific, not general. Each of the other points, however, in the structural outline, has suggested an actual point in this actual case, demonstrating thereby the practical application of this survey of the proof under a proposition of fact.

II. Survey for Proposition of Policy

Survey of the Proof under a Proposition of Policy. — A proposition of policy presents for solution a much more complex problem than a proposition of fact; and, hence, a survey of the proof for this type of proposition will involve many more points than appear in a survey of the proof for a

proposition of fact. To make all these points clear, a survey will be made, first, of all the main points under the proposition; and, then, of all the various phases of proof that must be considered under these main points.

Survey of the Main Points under a Proposition of Policy. — A survey of all the main points that may arise under a proposition of policy presents the following possibilities of proof, phrased, in the first instance, as they would be, to support the Affirmative side of the proposition; and, in the second instance, as they would be, to support the Negative side of the proposition:

SURVEY OF MAIN POINTS FOR THE AFFIRMATIVE

I. [Proposition] The proposed policy should be adopted; for

[Possibilities of Proof]

A. Some change in policy is necessary.
B. The proposed policy would be beneficial.
C. The proposed policy would not introduce new and worse evils.
D. No substitute policy would be more satisfactory than the proposed policy; for
  1. No substitute policy would be more beneficial than the proposed policy; and
  2. Any substitute policy would introduce new and worse evils.

These same points, when re-phrased to support the Negative side of the proposition, will present the following possibilities of proof:

Survey of Main Points for the Negative

I. [Proposition] The proposed policy should not be adopted; for

[Possibilities of Proof]

A. No change in policy is necessary.
B. The proposed policy would not produce the specified benefits.
C. The proposed policy would introduce new and worse evils.
D. Some substitute policy would be more satisfactory than the proposed policy; for
  1. Some substitute policy would be more beneficial than the proposed policy; and
  2. The substitute policy would not introduce new and worse evils.

Demand for Constructive and Destructive Proof on the Main Points. — By glancing at the two structural outlines (pp. 151, 152) the student will discover that on certain points the Affirmative must advance constructive proof, whereas the Negative should advance only proof in refutation;[1] and on certain other points the Negative must advance constructive proof, whereas the Affirmative should advance only proof in refutation.

The Affirmative, for example, must advance constructive proof on Points *A* and *B* and on the second sub-point under *D*, whereas it should advance only proof in refutation on Point *C* and on the first sub-point under *D*.

The Negative, likewise, must advance constructive proof on Point *C* and the first sub-point under *D*, whereas it

[1] See page 120.

should advance only proof in refutation on Points *A* and *B* and on the second sub-point under *D*.

Two Chief Divisions of the Case. — From the outlines (pp. 151, 152) it is apparent that the two chief divisions into which a case may be divided under a proposition of policy will center about the direct discussion on the main proposition and about the discussion on some substitute policy or policies.

These two chief divisions may be called, therefore, *the main case,* involving a discussion of Points *A*, *B*, and *C*; and *the substitute case or cases,* involving a discussion of Point *D* and its two sub-points.

Four Subdivisions of the Case. — Under the two chief divisions of a case for a proposition of policy, there may then be other subdivisions that will be determined by the burden of proof [1] on the various points in the outlines (pp. 151, 152).

Wherever one side has the obligation to advance constructive proof on any of these points, it has the burden of proof, and must take the initiative in advancing proof.

Another glance at the outlines (pp. 151, 152) will show that the Affirmative has the burden of proof on Points *A* and *B;* that the Negative has the burden on Point *C* and again on the first sub-point under *D*; and that the Affirmative has the burden on the second sub-point under *D*.

The most natural subdivisions of the case under the two chief divisions would be, therefore:

First Subdivision — Points *A* and *B*.
Second Subdivision — Point *C*.
Third Subdivision — First Sub-Point under *D*.
Fourth Subdivision — Second Sub-Point under *D*.

[1] See pages 18–19.

Survey of all the Different Phases of Proof under a Proposition of Policy. — A survey of all the main points under a proposition of policy, like that in the outlines (pp. 151, 152), will be of great value to a debater in helping him to discover the points that he must investigate in his case; but this survey should be carried much further, if the debater hopes to reach the really vital points in the controversy.

When this survey is carried further, it presents all the logical possibilities of proof under these main points, and then becomes a survey of all the different phases of proof that may be involved in the discussion of a proposition of policy.

Such a survey will involve the following points, phrased as they would be to support the Affirmative:

I. [Proposition] The proposed policy should be adopted; for

THE MAIN CASE

(First Subdivision)

A. Some change in policy is necessary; for
Phase I: — There are existing or threatened evils; and
Phase II: — Existing or threatened evils are due to defects in the present policy.

B. The proposed policy would be beneficial; for
Phase III: — The proposed policy makes material changes from the present policy; and
Phase IV: — The proposed policy would remove or diminish existing or threatened evils.

(Second Subdivision)

C. The proposed policy would not introduce new and worse evils; for

Phase V: — The proposed policy would not result in alleged new evils; or

Phase VI: — The alleged new evils would not really be evils; or

Phase VII: — The alleged new evils would not be worse than existing or threatened evils.

THE SUBSTITUTE CASE OR CASES

D. No substitute policy would be more satisfactory than the proposed policy; for

(Third Subdivision)

1. No substitute policy would be more beneficial than the proposed policy; for

Phase VIII: — There is no material difference between any substitute policy and the present policy; or

Phase IX: — There is no material difference between any substitute policy and the proposed policy; and

Phase X: — No substitute policy could remove or diminish existing or threatened evils; or

Phase XI: — No substitute policy could remove or diminish existing or threatened evils so effectually as the proposed policy.

(Fourth Subdivision)

2. Any substitute policy would introduce new and worse evils; for

Phase XII: — Any substitute policy would result in new evils; and

Phase XIII: — The alleged new evils would really be evils; and

Phase XIV: — The alleged new evils would be worse than existing or threatened evils; and

Phase XV: — The alleged new evils would be worse than the evils ascribed to the proposed policy.

The points of proof contained in this survey are all laid out as they would be phrased in support of the Affirmative side of the proposition. If they were treated from a Negative point of view, however, they would, with equal accuracy, present a survey of all the possibilities of proof for the Negative.

Names of the Four Subdivisions of the Case. — For a detailed study of the possibilities of proof represented in the survey, pp. 154–156, it will be necessary to treat the fifteen Phases, enumerated there, in groups according to the particular subdivision of the case in which they appear; and, for convenience, it is desirable that each of these four subdivisions should be given a name.

These various subdivisions of the case may be named very appropriately as follows:

First: The Affirmative's Main Constructive Case
Second: The Negative's Main Constructive Rebuttal
Third: The Negative's Constructive Substitute Case
Fourth: The Affirmative's Constructive Rejoinder to the Substitute Case

(*A*) *The Affirmative's Main Constructive Case*

The Affirmative's Main Constructive Case. — The Affirmative's Main Constructive Case consists of the first four Phases in the survey, pp. 154–156: namely, —

Phase I: — There are existing or threatened evils; and

Phase II: — Existing or threatened evils are due to defects in the present policy; and

Phase III: — The proposed policy makes material changes from the present policy; and

Phase IV: — The proposed policy would remove or diminish existing or threatened evils.

This subdivision of the complete case is called the Affirmative's Main Constructive Case: *first,* because these four Phases of proof constitute a part of the Main Case; and *second,* because on these four Phases the Affirmative is under obligation to advance constructive proof. If the Affirmative cannot establish its contention under each of these four Phases, it cannot hope to establish its case.

The Negative may admit the Affirmative's proof under all of these four Phases and build its case around other Phases, *i.e.,* around Phases V to XI; or it may refute the Affirmative's proof under one or more of these four Phases. If the Negative can refute the Affirmative's proof under any one of these four Phases, the Affirmative cannot hope to establish its case.

When the Negative undertakes to refute the position of the Affirmative on each of these four Phases, it will express these Phases as follows:

Phase I: — There are no existing or threatened evils; and

Phase II: — Even if there were existing or threatened evils, these would not be due to defects in the present policy; and

Phase III: — Even if there were existing or threatened evils, and even if these were due to defects in the present policy, the proposed policy would do no

good, because it makes no material change from the present policy; and

Phase IV: — Even if there were existing or threatened evils, and even if these evils were due to defects in the present policy, and even if the proposed policy did make material changes from the present policy, even then the proposed policy would not remove or diminish existing or threatened evils.

Application of the Phase-System in Building the Affirmative's Main Constructive Case. — The practical application of the Phase-System in building the Affirmative's Main Constructive Case may be seen in the following brief-outline[1] presenting actual points in an actual case. This case was used by Edmund Burke in his great plea for *Conciliation with the American Colonies.*[2] In this outline, it will be noted that each of the first four Phases has suggested an actual point in the case.

I. [Proposition] England should adopt Burke's policy of conciliation with the American colonies; for

[Actual Points in the Proof]

A. Some change in policy is necessary; for

Phase I: — America is now in a state of chronic tumult and disorder; and

Phase II: — The present tumults and disorders in America are due to the present policy of coercing the colonies to enforce taxation by Parliament.

B. Burke's policy of conciliation would be beneficial; for

[1] See page 37.

[2] See Bradley's *Orations and Arguments*, pp. 1–74.

Phase III: — Burke's policy would substitute, for the present policy of coercion to enforce taxation by Parliament, a policy of concession authorizing taxation by colony grant; and

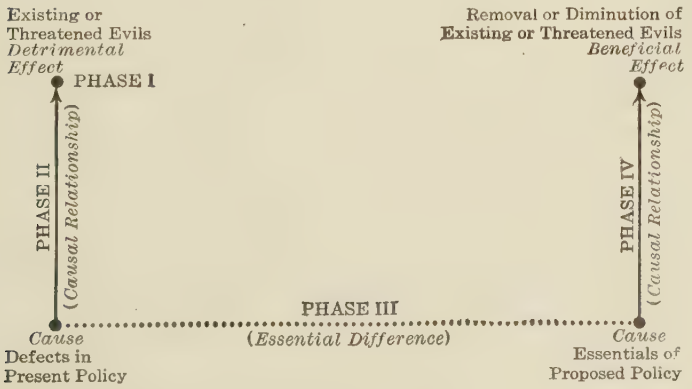
Phase IV: — A policy of concession authorizing taxation by colony grant would restore peace.

Diagram Showing the Affirmative's Main Constructive Case. — Thus far, in explaining the process of surveying the proof, only structural outlines presenting possibilities of proof have been used. These outlines are, of course, invaluable; and yet, for the purpose of making clear at a glance all these possibilities of proof in their relation to one another, a method of surveying proof for propositions of policy by means of diagrams will prove equally valuable.

The following diagram is given, therefore, to represent a survey of the proof by Phases for the Affirmative's Main Constructive Case:

DIAGRAM I

(Showing Possibilities of Proof in Phases I to IV)



In this diagram, the existing or threatened evils spoken of in Phase I are represented by the heavy dot at the top of the left-hand vertical line. The defects in present policy, to which these existing or threatened evils are attributed in Phase II, are represented by the heavy dot at the base of the left-hand vertical line. The essential parts of the proposed policy, in which according to Phase III it differs from the present policy, are represented by the heavy dot at the base of the right-hand vertical line. And the beneficial effects, obtained from the proposed policy according to Phase IV, are represented by the heavy dot at the top of the right-hand vertical line.

With the exception of Phase I, which is represented by a heavy dot, all Phases are represented by lines, which show some sort of relationship between the terms that mark their extremities. Phase II and Phase IV, for example, are represented by vertical lines with arrow-heads pointing upwards; and Phase III is represented by a horizontal dotted line. The vertical lines with arrow-heads in each case show a cause-and-effect relationship between the thing at their top and the thing at their base. The arrow-head indicates the direction in which the force of causation operates — the thing at the top being an effect, and the thing at the base being a cause. The horizontal dotted line shows a relationship of essential difference between the terms at its extremities.

Two striking characteristics of this diagram should be carefully noted by the student:

First, the beneficial effect recorded at the top of the right-hand vertical line must be the exact opposite of the detrimental effect recorded at the top of the left-hand vertical line; and

Second, the essentials of the proposed policy at the base of the right-hand vertical line must be exactly opposite to, or in complete contrast with, the defects in the present policy at the base of the left-hand vertical line.

The theories underlying the proof in this diagram are:

First, that, if existing or threatened evils (Phase I) are to be removed, they must be traced to their root causes in the present policy (Phase II).

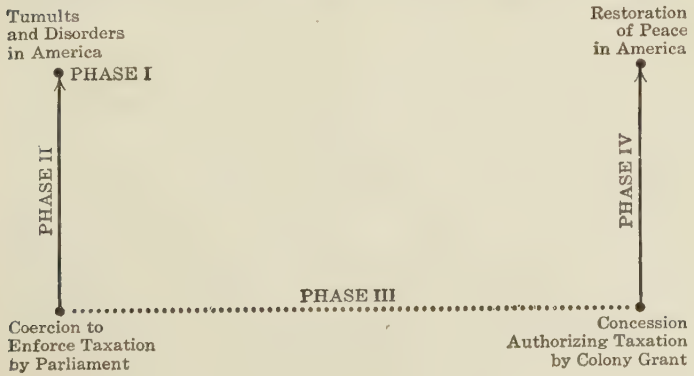
Second, that, if any proposed policy is to be effectual in removing existing or threatened evils, it must be essentially different from the present policy; for, otherwise, no different results could be expected from it than from the present policy (Phase III); and

Third, that the only benefits that can result from any new policy must consist in the removal or diminution of evils resulting from the present policy (Phase IV).

If this diagram were filled in to represent the first four Phases of Burke's case on *Conciliation with the American Colonies,* it would appear as follows:

DIAGRAM I

(Showing Actual Points of Proof in Phases I to IV)



Process of Filling in a Diagram for the Affirmative's Main Constructive Case.—The diagram, page 161, looks very simple when it has been filled in accurately for a given proposition; but the process of filling it in with specific material is not so simple, for this process requires a searching investigation into the facts of the case and the utmost care and deliberation in adjusting these facts to the necessary theory.

At first thought, the natural method of procedure for filling in this diagram might seem to be to fill in the material for Phase I and then pass on in order through Phases II, III, and IV; but this method, in most cases, soon leads to grief; for Phase I calls for existing or threatened evils, and yet not all the existing or threatened evils in the universe will be relevant to the particular case in hand, but only those existing or threatened evils that the proposed policy is intended to remove or diminish. The filling in of Phase I, therefore, on this diagram must be postponed until the evil named in this Phase can be definitely related to the purpose of the proposed policy.

If the problem of building a case originated in an attempt to discover a proposition that would remove known existing or threatened evils, then the filling in of this diagram would logically begin with Phase I; but generally the problem of building a case for debate does not originate with a statement of known existing or threatened evils for which a remedy is to be found, but in a definite proposition the purpose of which is to be discovered by the debater.

To fill in this diagram, a debater should always begin with a definition of the proposed policy by the method of analysis,[1] and this definition should always involve three parts given in the following order:

[1] See page 140.

1. A statement of the purpose of the proposed policy;
2. A statement of the essential parts of the proposed policy; and
3. A statement of the essential difference between the proposed policy and the present policy that is employed to accomplish the same purpose.

With such a definition, the debater may then proceed to fill in his diagram. The *purpose of the proposed policy* represents the beneficial effect to be obtained from this policy, and should be placed at the top of the line representing Phase IV. The *essential parts of the proposed policy* should be placed at the base of the line representing Phase IV. The *essential parts of the present policy,* in which it differs from the proposed policy, and which prevent it from accomplishing the purpose of the proposed policy, should be placed at the base of the line representing Phase II. And then *a condition opposite to the purpose of the proposed policy* should be named as the existing or threatened evil, and should be placed at the point indicated as Phase I.

To illustrate this process in connection with Burke's case on *Conciliation,* the following definition may be used for his proposed policy:

1. The purpose of Burke's policy is to restore peace in America.
2. Burke's policy consists in complete concession to the demands of the colonists regarding taxation and authorizes a system of taxation depending entirely on voluntary grants of revenue from the colonies.
3. Burke's policy differs from the present policy, in that it substitutes, for a policy of coercion to enforce taxation by Parliament, a policy of concession authorizing taxation by colony grant.

From such a definition, all the points on the diagram, page 159, may be easily filled in. At the top of the line representing Phase IV, the purpose of the proposed policy will be placed: namely, — *Restoration of Peace in America.* At the base of the line representing Phase IV, the essential parts of the proposed policy will be placed: namely, — *Concession Authorizing Taxation by Colony Grant.* At the base of the line representing Phase II, the essential parts of the present policy will be placed: namely, — *Coercion to Enforce Taxation by Parliament.* And, then, at the point indicated as Phase I, a condition opposite to the purpose of the proposed policy will be placed: namely, — *Tumults and Disorders in America.*

Drawing Off the Actual Points from a Diagram for the Affirmative's Main Constructive Case. — When once an accurate diagram has been made for the actual points in the Affirmative's Main Constructive Case under a proposition of policy, it is a simple matter to draw off these points for use in debate. One simply has to recall the general phraseology of the point expressed in each of the Phases, and then remember that Phase I is represented by a single heavy dot, whereas Phases II, III, and IV are represented by lines showing a definite type of relationship between the terms at their extremities.

Following out these directions, the student would draw off from the diagram, page 161, representing the first four Phases of Burke's case, the points given below:

Phase I: — America is now in a state of chronic tumult and disorder; and

Phase II: — The present tumults and disorders in America are due to the present policy of coercing the colonies to enforce taxation by Parliament.

Phase III: — Burke's policy would substitute, for the present policy of coercion to enforce taxation by Parliament, a policy of concession authorizing taxation by colony grant; and

Phase IV: — A policy of concession authorizing taxation by colony grant would restore peace.

Use of Points Discovered by Means of the Phase-System. — Points in a case discovered by means of the Phase-System will always constitute important heads in chains of reasoning to support or overthrow a proposition of policy. Whenever these points express truths that cannot be accepted as evidence on the authority of common knowledge, they should in turn be investigated for proof until they rest on chains of reasoning [1] that are based eventually on acceptable evidence.[2]

Each one of these points, it will be noted, represents a proposition of fact, and should be investigated by the method suggested for surveying the proof under such propositions.

(*B*) *The Negative's Main Constructive Rebuttal*

The Negative's Main Constructive Rebuttal. — The Negative's Main Constructive Rebuttal consists of Phases V to VII as given in the full outline of Phases on pages 154–156. These Phases, as they would be worded for the Negative, are:

Phase V: — The proposed policy would result in alleged new evils; and

Phase VI: — The alleged new evils would really be evils; and

[1] See pages 30–33.

[2] See pages 49–52, 61–62.

Phase VII: — The alleged new evils would be worse than existing or threatened evils.

This subdivision of the complete case is called the Negative's Main Constructive Rebuttal: *first*, because these three Phases of proof constitute a part of the Main Case; *second*, because on these three Phases the Negative is under obligation to advance constructive proof; and *third*, because these three Phases represent proof offered by the Negative to rebut, *i.e.*, to answer, the Affirmative's contentions on Phases I to IV.

If the Negative undertakes to present proof under Phase V, it must stand ready to carry this proof on through Phases VI and VII; although, in some cases, no proof under these two latter Phases will be demanded, because the truth of points developed from Phases VI and VII may in some cases be admitted as self-evident. The shrewd Negative debater, however, will not neglect in any case to test the possibilities of proof for and against him on all three of these Phases.

The Affirmative may either admit the Negative's proof under one or two of these three Phases and attack the Negative's proof under the remaining Phases; or it may attack the Negative's proof under all three of these Phases. In order to establish its case, however, the Affirmative must succeed in overthrowing the Negative's proof under, at least, one of these Phases.

When the Affirmative undertakes to refute the position of the Negative on each of these three Phases, it will express these Phases as follows:

Phase V: – The proposed policy would not result in the alleged new evils; and

Phase VI: — Even if the proposed policy should result in the alleged new evils, these alleged evils would not really be evils; and

Phase VII: — Even if the proposed policy should result in the alleged new evils; and even if these alleged evils should really be evils; even then these evils resulting from the proposed policy would not be so bad as, or worse than, existing or threatened evils.

Application of the Phase-System in Building the Negative's Main Constructive Rebuttal. — The practical application of the Phase-System in building the Negative's Main Constructive Rebuttal may be seen in the following brief-outline presenting part of the actual case used against Burke in his plea for *Conciliation*. In this outline, it will be noted that each of the Phases from V to VII has suggested an actual point in the case.

I. [Proposition] England should not adopt Burke's policy of conciliation with the American colonies; for

[Actual Points in the Proof]

A. Burke's policy would introduce new and worse evils; for

Phase V: — Burke's policy would result in a loss of revenue from America; and

Phase VI: — A loss of revenue from America would mean a heavier burden of taxation on England; and

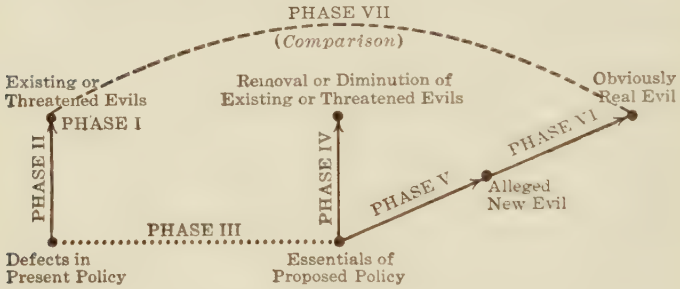
Phase VII: — A heavier burden of taxation on England would be worse than tumults and disorders in America.

Diagram Showing the Negative's Main Constructive Rebuttal. — The following diagram representing Phases I

to VII shows in the last three Phases the Negative's Main Constructive Rebuttal:

DIAGRAM II

(Showing Possibilities of Proof in Phases I to VII)



In this diagram, an alleged new evil, spoken of in Phase V, is represented by the heavy dot in the middle of the oblique line to the right. The obviously real evil, spoken of in Phase VI, is represented by the heavy dot at the end of the oblique line to the right.

Phases V and VI are represented by straight lines extending obliquely upward and ending in arrow-heads. These straight lines with arrow-heads are intended to show a cause-and-effect relationship between the things at their extremities — the thing at the base being the cause, and the thing at the top being the effect.

Phase VII is represented by a curved broken line connecting the obviously real evil resulting from the proposed policy with the existing or threatened evil, spoken of in Phases I and II as resulting from the defects in the present policy. The curved broken line is used to indicate a relationship by comparison between the things at its extremities.

If this diagram were filled in to represent the first seven Phases of Burke's case on the proposition *that England should adopt his policy of conciliation with the American colonies,* it would appear as follows:

DIAGRAM II

(Showing Actual Points of Proof in Phases I to VII)

Process of Filling in a Diagram for the Negative's Main Constructive Rebuttal. — The process of filling in a diagram for the Negative's Main Constructive Rebuttal is comparatively simple; for it requires the placing of specific material at only two points — the first point representing an alleged new evil that would result from the proposed policy, and the second representing a perfectly obvious evil that would grow out of, or result from, the alleged new evil. These two points on the diagram should always be filled in from the point of view of the Negative.

The alleged new evil spoken of in Phase V, and the really obvious evil spoken of in Phase VI, are sometimes discovered by applying harsh names or disagreeable epithets to the proposed policy or to its immediate effects.

To illustrate: Many attacks are made on proposed policies by calling them *un-American, undemocratic, socialistic,*

revolutionary, etc. These attacks, when diagrammed, would be placed under Phase V; because, in effect, they affirm that the proposed policy would bring about a new condition that is *un-American, undemocratic, etc.*

One of the most common replies on the part of the Affirmative to such attacks as those mentioned above is: *We admit that the policy is un-American, undemocratic, etc.; but what of it?* To provide an answer for this question, the Negative then must show the really obvious evil that grows out of, or results from, this *un-American, undemocratic, socialistic,* or *revolutionary* condition. This really obvious evil would be diagrammed under Phase VI.

The only caution to be observed in filling in this diagram is that the point in Phase V should represent an evil entirely different in nature from the evil given in Phase I; for, if these two evils are the same in nature, the constructive proof for the Negative of Phase V will be the same as the refutation for the Negative of Phase IV.

To illustrate: If, in Burke's case on *Conciliation*, diagrammed on page 169, the evil mentioned in Phase V were the same as the evil mentioned in Phase I, namely, — *Tumults and Disorders in America;* then the Negative constructive proof on Phase V would be the same as the Negative destructive proof for Phase IV; for on Phase V the Negative would contend *that Burke's policy would produce tumults and disorders in America;* and on Phase IV the Negative would contend that Burke's policy would not restore peace in America, because it would do the exact opposite — *it would produce additional tumults and disorders in America.*

Typical Main Cases for the Negative Discovered from the Diagram for Phases I to VII. — A study of the diagram for

Phases I to VII will reveal four different types of cases available for the Negative, any one of which the Affirmative must be prepared to meet. These four typical cases are:

First: The Negative may undertake to disprove just one of the points raised by the Affirmative under the first four Phases; and, if the Negative succeeds in overthrowing this one point, logically it will win its case.

Second: The Negative may undertake to disprove successively the various points raised by the Affirmative under the first four Phases; and, if the Negative succeeds in its effort to overthrow any one of these points, it will win its case.

Third: The Negative may contend: (1) through Phases I and II, that no change in policy is necessary; or, (2) through Phases III and IV, that the proposed policy would not produce the specified benefits; and, then, in addition, (3) through Phases V and VI, that the proposed policy would introduce new evils.

Fourth: The Negative may admit under Phase IV that the proposed policy would produce benefits, but contend under Phases V to VII that it would introduce new evils as bad as, or worse than, the evils removed or diminished.

(*C*) *The Negative's Constructive Substitute Case*

The Negative's Constructive Substitute Case. — The Negative's Constructive Substitute Case under a proposition of policy consists of Phases VIII to XI as given in the full outline of Phases on pages 154–156. These Phases, as they would be worded for the Negative, are:

Phase VIII: — The substitute policy makes material changes from the present policy; and

Phase IX: — The substitute policy is materially different from the proposed policy; and

Phase X: — The substitute policy would remove or diminish existing or threatened evils; or

Phase XI: — The substitute policy would remove or diminish existing or threatened evils more effectually than the proposed policy.

This subdivision of the complete case is called the Negative's Constructive Substitute Case: *first*, because these four Phases of proof constitute a part of the Substitute Case; and, *second*, because on these four Phases the Negative is under obligation to advance constructive proof.

In this part of the case as a whole, the Negative must take the initiative. It introduces a substitute case on the theory that this substitute case would prove more satisfactory than the case proposed by the Affirmative. On the Phases presented here, the Negative has a clear burden of proof. It cannot be content, therefore, with the mere naming of a substitute policy; but it must prove conclusively that the substitute policy would be more satisfactory than the proposed policy. If the Negative cannot establish its contention under Phases VIII and IX, and under Phase X or Phase XI, it cannot hope to establish its substitute case.

To meet a substitute case advanced by the Negative, the Affirmative may adopt any one of four different modes of defense:

First: The Affirmative may admit all the proof advanced by the Negative under Phases VIII to XI, and build up its defense around Phases XII to XV, as these Phases are outlined on pages 155–156.

Second: The Affirmative may admit the Negative's proof under Phases VIII and IX, and attack the proof advanced by the Negative under Phase X or Phase XI.

Third: The Affirmative may simply attack the Negative's proof under either Phase VIII or Phase IX.

Fourth: The Affirmative may combine an attack on the Negative's proof under either Phase VIII or Phase IX, with an attack on the proof advanced by the Negative under Phase X or Phase XI.

Application of the Phase-System in Building the Negative's Constructive Substitute Case. — The practical application of the Phase-System in building the Negative's Constructive Substitute Case may be seen in the following brief-outline presenting a part of the actual case used against Burke in his plea for *Conciliation.* In this outline it will be noted that each of the Phases from VIII to XI has suggested an actual point in the case.

I. [Proposition] England should not adopt Burke's policy of conciliation with the American colonies; for

[Actual Points in the Proof]

A. Lord North's compromise plan would be more satisfactory than Burke's policy of conciliation; for

1. Lord North's plan would be more beneficial than Burke's policy of conciliation; for

Phase VIII: — Lord North's compromise plan differs from the present policy in that it does not coerce the colonies to enforce taxation by Parliament, but authorizes Parliament to fix a total sum for the colonies to contribute by quotas, which may be raised in any way the colonies may choose; and

Phase IX: — Lord North's compromise plan differs from Burke's policy of conciliation in that it does not concede all that the colonies

demand concerning non-interference by Parliament in taxing them without representation; and

Phase X: — Lord North's compromise plan will restore peace; or

Phase XI: — Lord North's compromise plan will restore peace more effectually than Burke's policy of conciliation.

Diagram Showing the Negative's Constructive Substitute Case. — The following diagram representing Phases I to XI shows in the last four Phases the Negative's Constructive Substitute Case:

DIAGRAM III

(Showing Possibilities of Proof in Phases I to XI)

In this diagram, the same beneficial effect that is predicted from the proposed policy: namely, — *The Removal or Diminution of Existing or Threatened Evils* is represented by the heavy dot at the top of the vertical line to the right. The essential parts of the substitute policy are represented by the heavy dot at the base of the vertical line to the right.

Phase VIII is represented by a dotted line connecting the essential parts of the substitute policy with the defects in

the present policy; and Phase IX is represented by a dotted line connecting the essential parts of the substitute policy with the essential parts of the proposed policy. These dotted lines indicate a relationship of essential difference between the things at their extremities.

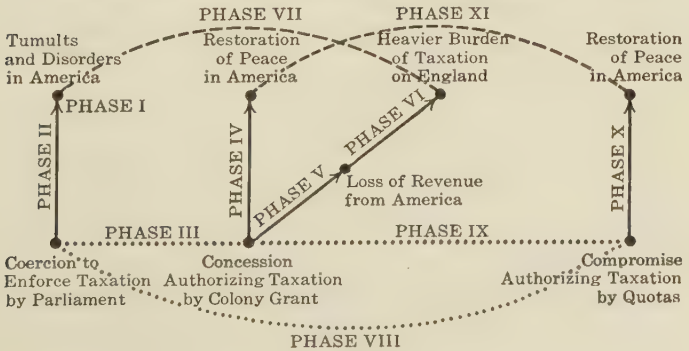
Phase X is represented by a vertical line with an arrowhead at its top to indicate a cause-and-effect relationship between the things at its extremities — the thing at the base being the cause, and the thing at the top being the effect.

Phase XI is represented by a curved broken line connecting the beneficial effect predicted by the Negative for the substitute policy and the beneficial effect predicted by the Affirmative for the proposed policy. This curved broken line is used to indicate a relationship by comparison between the two things at its extremities; and, since these two things are the same, this relationship by comparison must be one of degree.

If this diagram were filled in to represent the first eleven Phases of Burke's case on *Conciliation with the American Colonies*, it would appear as follows:

DIAGRAM III

(Showing Actual Points of Proof in Phases I to XI)



Process of Filling in a Diagram for the Negative's Constructive Substitute Case. — The process of filling in a diagram for the Negative's Constructive Substitute Case is a very simple matter after a satisfactory substitute policy has been discovered; for it requires the placing of specific material at only two points: namely, at the top and at the base of the line representing Phase X.

Because no policy can be thought of as a substitute for another policy unless it is intended to accomplish the same purpose, the beneficial effect predicted by the Negative for the substitute policy must be the same as the beneficial effect predicted by the Affirmative for the proposed policy. The term to be placed at the top of the line representing Phase X should always be, therefore, the same term that is placed at the top of the line representing Phase IV.

It is a simple matter to discover the term to be placed at the top of the line representing Phase X, but a much more difficult matter to discover a satisfactory policy to be outlined at the base of the line representing Phase X; because a satisfactory substitute policy must meet all of the following requirements:

1. The substitute policy must serve the same purpose as the proposed policy.
2. It must be essentially different from both the present policy and the proposed policy.
3. It must be incapable of being used merely to supplement the proposed policy.

The reason for this *first* requirement has already been explained. The reason for the *second* requirement is that, if the substitute policy is not different from the present policy, it will produce the same evils which it is intended to remedy; and, if it is not different from the proposed policy, it cannot

be accepted in preference to the proposed policy. If, in fact, the substitute policy is the same essentially as the proposed policy, the Negative will simply argue the Affirmative's case for the Affirmative. The reason for the *third* requirement is to prevent the Affirmative from rebutting the Negative's substitute case by saying: "We have no objection to the proposal advanced by the Negative; for we believe that their proposal and our proposal are only parts of a larger policy to accomplish the same great end. Both proposals are desirable; and, therefore, we suggest that the Negative's proposal should be adopted in addition to, but not in substitution for, the policy advanced by the Affirmative." To prevent such an answer to the Negative's substitute case, the Negative should be careful to frame its substitute policy so that it is incapable of being used merely to supplement the proposed policy.

A satisfactory substitute policy is generally discovered either ready-made, or by tracing the existing or threatened evils to other causes than those set forth by the Affirmative in Phase II. Such a policy may consist in an entirely new scheme, or it may be an amended form either of the present policy or of the proposed policy.

The Negative needs to fill in this diagram for only one substitute policy — the one which it believes is most satisfactory; but the Affirmative should fill in this diagram for all substitute policies that could be used against it.

(*D*) *The Affirmative's Constructive Rejoinder to the Substitute Case*

The Affirmative's Constructive Rejoinder to the Substitute Case. — The Affirmative's Constructive Rejoinder to the Substitute Case consists of Phases XII to XV as given on pages 155–156. These Phases are:

Phase XII: — Any substitute policy would result in new evils; and

Phase XIII: — The alleged new evils would really be evils; and

Phase XIV: — The alleged new evils would be worse than existing or threatened evils; and

Phase XV: — The alleged new evils would be worse than the evils ascribed to the proposed policy.

This subdivision of the complete case is called the Affirmative's Constructive Rejoinder to the Substitute Case: *first*, because these four Phases of proof constitute a part of the complete case that is concerned with the Negative's substitute proposal; *second*, because on these four Phases the Affirmative is under obligation to advance constructive proof; and *third*, because these four Phases represent proof offered by the Affirmative as a rejoinder, *i.e.*, in answer to an answer. These four Phases constitute a rejoinder, because they are used in answer to the Negative's Constructive Substitute Case, which in turn constitutes an answer to the Affirmative's Main Constructive Case.

If the Affirmative undertakes to present proof under Phase XII, it must stand ready to carry this proof on through either Phase XIV, or Phase XV; although in some cases no proof under Phases XIII, XIV, and XV will be demanded, because the truth of points developed from these Phases may in some cases be admitted as self-evident. The shrewd Affirmative debater, however, will not neglect in any case to test the possibilities of proof for and against him on all four of these Phases.

The Negative may either admit the Affirmative's proof under Phase XII or Phase XIII and attack the Affirmative's

proof under the remaining Phases; or it may attack the Affirmative's proof under all four of these Phases. In order to establish its substitute case, however, the Negative must succeed in overthrowing the Affirmative's proof under at least one of these Phases.

When the Negative undertakes to refute the position of the Affirmative on each of these four Phases, it will express these Phases as follows:

Phase XII: — The substitute policy would not result in the alleged new evils; and

Phase XIII: — Even if the substitute policy should result in the alleged new evils; these alleged evils would not really be evils; and

Phase XIV: — Even if the substitute policy should result in the alleged new evils; and even if these alleged new evils should really be evils; even then these evils resulting from the substitute policy would not be so bad as, or worse than, existing or threatened evils; and

Phase XV: — The evils resulting from the substitute policy would certainly not be so bad as, or worse than, the evils that would result from the proposed policy.

Application of the Phase-System in Building the Affirmative's Constructive Rejoinder to the Substitute Case. — The practical application of the Phase-System in building the Affirmative's Constructive Rejoinder to the Substitute Case may be seen in the following brief-outline presenting part of the actual case used by Burke in upholding the proposition that England should adopt his policy of conciliation with the American colonies.

In this brief-outline, it will be noted that each of the Phases from XII to XV has suggested an actual point in the case.

I. [Proposition] England should adopt Burke's policy of conciliation with the American colonies; for

[Actual Points in the Proof]

A. No substitute policy would be more satisfactory than Burke's policy of conciliation; for

1. . . . . .

2. Any substitute policy would introduce new and worse evils; for

Phase XII:—Lord North's compromise plan, for example, would introduce the principle of taxation by the ministry rather than by Parliament; and

Phase XIII:—Taxation by the ministry would soon extinguish British liberty in England; and

Phase XIV:—The extinction of British liberty in England would be worse than tumults and disorders in America; and

Phase XV:—The extinction of British liberty in England would be worse than a heavier burden of taxation on England.

Diagram Showing the Affirmative's Constructive Rejoinder to the Substitute Case. Diagram IV appearing on the page opposite represents Phases I to XV and shows in the last four Phases the Affirmative's Constructive Rejoinder to the Substitute Case.

In this diagram an alleged new evil, spoken of in Phase XII, is represented by the heavy dot in the middle of the oblique line to the right. The obviously real evil, spoken of in Phase XIII, is represented by the heavy dot at the end of the oblique line to the right.

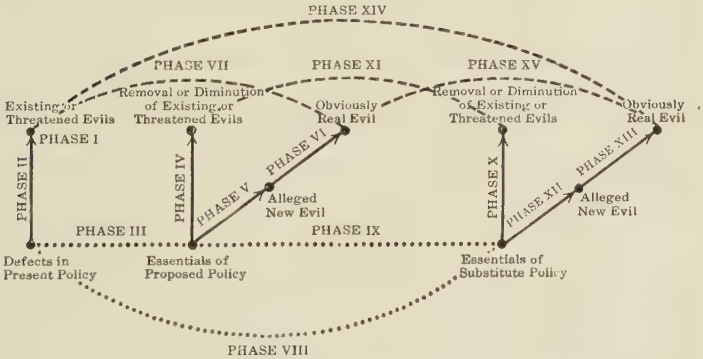
Phases XII and XIII are represented by straight lines extending obliquely upward and ending in arrow-heads.

These straight lines with arrow-heads are intended to show a cause-and-effect relationship between the things at their extremities — the thing at the base being the cause, and the thing at the top being the effect.

Phase XIV is represented by a curved broken line connecting the obviously real evil resulting from the substitute policy with the existing or threatened evil, spoken of in Phases I and II as resulting from the defects in the present policy. Phase XV is represented by a curved broken line connecting the obviously real evil resulting from the substitute policy with the obviously real evil alleged to result from the proposed policy. These curved broken lines are used to indicate a relationship by comparison between the things at their extremities.

DIAGRAM IV

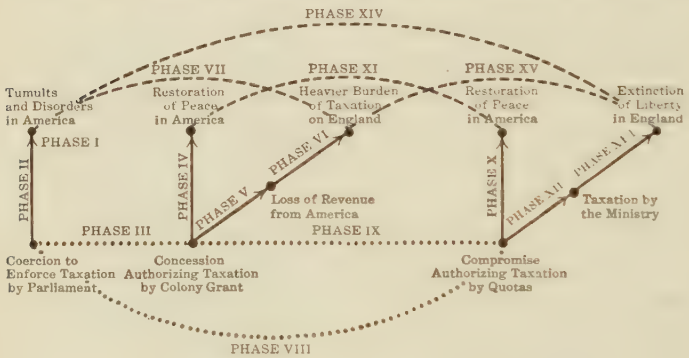
(Showing Possibilities of Proof in Phases I to XV)



If this diagram were filled in to represent all the fifteen Phases of Burke's case on the proposition *that England should adopt his policy of conciliation with the American colonies*, it would appear as follows:

DIAGRAM IV

(Showing Actual Points of Proof in Phases I to XV)



Process of Filling in a Diagram for the Affirmative's Constructive Rejoinder to the Substitute Case. — The process of filling in a diagram for the Affirmative's Constructive Rejoinder to the Substitute Case corresponds exactly to the process of filling in a diagram for the Negative's Main Constructive Rebuttal. In this part of the case, however, the points on the diagram must be filled in from the point of view of the Affirmative rather than the Negative.

The only caution to be observed in filling in this diagram is that the point in Phase XII should represent an evil entirely different in nature from the evil given in Phase I; for, if these two evils are the same in nature, the constructive proof for the Affirmative on Phase XII will be the same as the refutation for the Affirmative on Phase X.

The alleged new evil in Phase XII may be the same, however, as the alleged new evil in Phase V; and, likewise, the obviously real evil mentioned in Phase XIII may be the same as the obviously real evil mentioned in Phase VI. When this is the case, a comparison between these evils

in Phase XV will naturally be a comparison in degree only.

Typical Cases for the Negative Discovered from the Diagram for Phases I to XV. — A number of typical cases available for the Negative under a proposition of policy have already been given (see pp. 170–171) with a statement that the Affirmative must be ready to meet any one of them. This list of available cases for the Negative involved, however, only a consideration of Phases I to VII in the proof for a proposition of policy. When the complete set of Phases from I to XV is considered, then the list of available cases for the Negative is expanded as follows:

First: The Negative may undertake to disprove just one of the points raised by the Affirmative under the first four Phases.

Second: The Negative may undertake to disprove successively the various points raised by the Affirmative under the first four Phases, and let its case rest there.

Third: The Negative may contend: (1) through Phases I and II, that no change in policy is necessary; or (2) through Phases III and IV, that the proposed policy would not produce the specified benefits; and then, in addition, (3) through Phases V and VI, that the proposed policy would introduce new evils.

Fourth: The Negative may admit under Phase IV that the proposed policy would produce benefits, but contend under Phases V to VII, that it would introduce new evils as bad as, or worse than, the evils removed or diminished.

Fifth: The Negative may admit all the proof advanced by the Affirmative under Phases I, III, and IV, and attack the position of the Affirmative on Phases II, VIII, IX, X, and XI.

Sixth: The Negative may admit all the proof advanced by the Affirmative under Phases I, III, and IV, and attack the position of the Affirmative on Phases II, V, VI, VII, VIII, IX, X, and XI.

Seventh: The Negative may attack the position of the Affirmative on every Phase from I to XI.

All these typical cases for the Negative are important, of course, for a Negative debater to consider; but they are also no less important for the consideration of an Affirmative debater; because an Affirmative debater must be prepared to meet any one of them.

Summary of Surveying the Proof. — Under the general process of surveying the proof, methods have been considered for laying out all the logical possibilities of proof that might be used to support or overthrow a proposition. These methods constitute one of the most important parts of the theory of building a case; for, without them, a debater can never be sure that his case includes all the proof that must be present to support his proposition. The debater, therefore, should be familiar with all the different points in a survey of the proof both for a proposition of fact and for a proposition of policy.

CHAPTER III

FINDING THE ISSUES[1]

Preliminary Statement. — After defining the terms of a proposition and surveying the proof under it, a debater is then ready to undertake the third step in building a case, which is to find the issues.

By this step, he selects from the many suggested points of proof those points that he himself must make firm as supports for his proposition; and he separates these points from other points that in no way affect his proposition, and from other points still that are already firmly established under his proposition.

Definition of the Issues. — *The issues* are those main questions of fact or theory arising in controversy upon the settlement of which depends the establishment or disestablishment of a proposition.

The term *issue* derives its name from the fact that it is a point arising from, or growing out of, controversy; for according to its derivation, it means *something that has gone or come out from.* If an issue grows out of controversy, therefore, it is a question that shows a main point of difference between the beliefs of contending parties.

In common usage an issue is any point on which there is a clash of opinion; but in technical usage it means a main point in proof on which there should be a clash of opinion if the alleged truth of a proposition is to be finally settled. The issues, therefore, are not merely points on which there

[1] For lesson assignments on *Finding the Issues*, see Appendix A.

is a clash of opinion, but main points under a proposition on which there should be a clash of opinion.

Different Kinds of Issues. — The term *issue* is used in debate to denote three different kinds of issues: First, *the main issues;* second, *subordinate issues;* and third, *an ultimate issue.*

The *main issues* are those main questions of fact or theory on the settlement of which depends the establishment or disestablishment of the main proposition.

Subordinate issues are the main questions of fact or theory on the settlement of which depends the establishment or disestablishment of some subordinate proposition appearing in the proof of the main proposition.

An ultimate issue is a question of fact or theory, which, in the course of a debate, after many parts of the proof have been eliminated, turns out to be a vital point on which the whole controversy must turn. An ultimate issue may consist of any one of the main or subordinate issues, and is usually discovered only during the progress of an actual debate, or after many preliminary skirmishes.

Importance of Finding the Issues. — The process of finding issues is one of the most important parts of the general process of building the case; for the main proposition must be supported by main points all of which are main issues; the main points must be supported by other points all of which are subordinate issues; and the subordinate points must be supported by other points all of which are still more subordinate issues, until the whole case has a basic foundation on evidence. The process of finding issues continues, therefore, throughout the whole general process of building the case, and becomes one of the most essential parts of the art of debate.

Requirements for the Issues. — To understand the process of finding the issues, the debater must first understand the requirements that every list of issues must satisfy. These requirements are that the issues must be:

1. Relevant Points;
2. All-Inclusive Points;
3. Mutually Exclusive Points;
4. Points of Clash;
5. Points That Have a Plain Immediate Inference to the Proposition; and
6. Points That May Be Expressed as Direct Questions.

The requirement that the issues be *relevant points* signifies that the issues should logically support the proposition under which they are presented; and that they should not involve the fallacies of *non-sequitur* or argument beside the point.[1]

The requirement that the issues be *all-inclusive points* signifies that the issues should be those points through which all other points of proof lead to a given proposition.

The requirement that the issues be *mutually exclusive points* signifies that each of the issues should be such that proof given in its support is entirely distinct from proof given in support of another issue.

The requirement that the issues be *points of clash* signifies that the issues should be points that neither side can afford to assume or admit without proof; but should be points rather that provoke controversy.

The requirement that the issues be *points that have a plain immediate inference to the proposition* signifies that the issues should be such that no explanation or proof is necessary to show their effect in establishing or disestablishing a proposition.

[1] See pages 110–119.

The requirement that the issues be points that may be expressed as *direct questions* signifies that the issues should be points that one side may affirm and the other side may deny. If the issues are expressed as direct questions, then affirmation and denial may be made by a simple *Yes* or *No*.

Process of Finding the Issues. — The process of finding the issues under any proposition consists of four main steps, each of which involves two more definite steps, as outlined in the following table:

I. Analysis of the Problem
   A. By a Definition of Terms; and
   B. By a Survey of the Proof.
II. Investigation of the Facts
   A. By a Study of the Origin and History of the Case; and
   B. By a Study of Both Sides of All Phases of the Case.
III. Exclusion of Points Not Issues
   A. By Exclusion of Irrelevant Matter; and
   B. By Exclusion of Admitted and Waived Matter.
IV. Selection of Points as Issues
   A. By Selection of Points of Clash; and
   B. By Selection of Points that Summarize Proof.

Analysis of the Problem for Finding the Issues. — The first main step in finding the issues is called an *analysis of the problem*. This step consists in breaking up the general problem involved in the proposition into its component parts, so that proof not connected with the proposition may be more easily detected, and so that each part of the proof under the proposition may be investigated separately.

This step consists: *First*, in defining the terms of the proposition; and *second*, in surveying the proof under the proposition.

Since both these parts of the first step in finding the issues have been thoroughly treated in the chapters on *Defining the Terms* and *Surveying the Proof*,[1] the problem of analysis need not be given any further detailed consideration.

Investigation of the Facts for Finding the Issues. — The second main step in finding the issues is called an *investigation of the facts*. This step consists: *First*, in a study of the origin and history of the case; and *second*, in a study of both sides of all phases of the case.

By means of these two methods of investigation, the debater may gather a vast quantity of material from which he will eventually select the issues and from which he will continually revise his ideas concerning the main points and phases of the case.

Study of the Origin and History of the Case. — In making a study of the origin and history of a case, a debater is constantly in danger of being led astray from his purpose of finding the issues, and of allowing himself to read what is merely instructive or entertaining. The debater, therefore, should approach this study with certain well-defined objects in mind. He should study the origin and history of the case solely with the object of discovering:

1. The occasion that has given rise to the present controversy;
2. The occasions that have given rise to previous similar controversies;
3. The importance that has been attached to these controversies; and

[1] See pages 135–145, 146–184.

4. The various conflicting views held by people in connection with the proposition under discussion.

Study of Both Sides of All Phases of the Case. — One of the most common mistakes in the way debaters undertake an investigation to find the issues in a case is that they confine their study to only one side of the question and to only a limited number of phases of the whole question.

If a debater studies only one side of a question, he will seldom learn the points of weakness in that side and the points of strength in the opposing side; but, if he studies both sides, he will soon learn the points of strength and the points of weakness on each side; and he will, therefore, be better able to select the points on which there should be a clash of opinion.

If the debater studies, also, only a limited number of phases of a whole question, he is likely to miss the ultimate issue on which the controversy will be finally settled; but, if he studies both sides of all phases of a case, he must discover in advance of the actual debate every point that may be used as an issue.

Exclusion of Points Not Issues. — When a large quantity of material on the case has been gathered through an investigation of the facts, then the third main step in finding the issues may be taken. This step is called the *exclusion of points not issues*, and consists: *First*, in the exclusion of irrelevant matter; and *second*, in the exclusion of admitted and waived matter.

Exclusion of Irrelevant Matter. — The exclusion of matter that is irrelevant to the case is accomplished in three ways: namely, —

1. By Classifying the Proposition.[1]
2. By Defining the Terms According to the Method of Exclusion.[2]
3. By Detecting Fallacies of Argument Beside the Point.[3]

If, for example, a proposition is classified as a proposition of fact, then any proof under it that assumes the proposition to be one of policy is irrelevant; and the same thing is true *vice versa* of the proof under a proposition of policy.

To illustrate: A proposition of fact says in effect that something is true; and, therefore, any proof under it to the effect that this thing should be true is irrelevant. And similarly, a proposition of policy says in effect that a certain course of action should be adopted. Any proof under it, therefore, to the effect that this course of action will, or will not, be adopted is irrelevant; and any proof to the effect that people have a right to refuse to adopt this course of action is also irrelevant.

If the terms of a proposition are defined according to the method of exclusion, then any proof under the proposition that supports it according to an interpretation supplied by these excluded meanings is irrelevant.

Proof under a proposition that consists of argument beside the point is also irrelevant; and, therefore, all argument *ad hominem, ad populum, ad ignorantiam,* and *ad verecundiam,* should be excluded from consideration as an issue in the case.

Exclusion of Admitted and Waived Matter. — After all irrelevant matter has been excluded from a list of possible

[1] See pages 21–22.
[2] See pages 140–141.
[3] See pages 114–119.

issues, then the process of exclusion should be extended to cover all admitted and waived matter.

Admitted matter under a proposition may consist of three kinds, as follows:

1. Matter of Undoubted Common Knowledge.
2. Matter in an Opponent's Case That Can Be Conceded without Injury.
3. Matter in One's Own Case That Has Been Expressly Admitted by an Opponent.

Waived matter under a proposition consists of any points that one side might contest; but which it has agreed to exclude from the discussion.

Selection of Points as Issues. — When the process of exclusion has been finished, then the points remaining in the assembled material under the proposition are likely to be issues. To be sure that they are issues, however, the debater should test each to see whether it ought to provoke a clash of opinion; and then he should separate the main issues from the subordinate issues by selecting as main issues those points that summarize all the proof in his case. In most cases, not more than three or four main issues should be selected; because this number of points is all that a debater and his audience can easily bear in mind for the purpose of passing judgment.

Illustration of the Process of Finding the Issues. — The process of finding the issues in an actual case may be illustrated from material used by Burke in his case on *Conciliation with the American Colonies*. This material will be listed in an orderly fashion according to the way in which it would be recorded: *First*, under a definition of terms; *second*, under a first survey of the proof; *third*, under the origin and

history of the case; and *fourth,* under a study of both sides of all phases of the case.

As this material is listed, each part to be excluded from the final list of issues will be marked with the reason for its exclusion; and then all the remaining material will be gathered together: *First,* in a long list of points that should provoke a clash of opinion; and then, *finally,* in a brief list of four points that summarize all the proof in the case.

Illustration of the Process of Definition in Finding the Issues. — The following definitions represent the first step in the process of finding the issues for Burke's case on *Conciliation:*

DEFINITION OF TERMS — *Admitted as Common Knowledge*

I. Burke's policy of conciliation is defined as follows:
   A. It is a policy to restore peace in America.
   B. It is a policy of complete concession to the demands of the colonists regarding taxation and authorizes a system of taxation depending entirely on voluntary grants of revenue from the colonies.
   C. Burke's policy differs from the present policy, in that it substitutes, for a policy of coercion to enforce taxation by Parliament, a policy of concession authorizing taxation by colony grant.

Illustration of the First Survey of the Proof in Finding the Issues. — From the definitions given above, the following first survey of the proof in Burke's case on *Conciliation* may be made:

FIRST SURVEY OF THE PROOF

I. England should adopt Burke's policy of conciliation with the American colonies; for

A. Some change in policy is necessary; for

Phase I: — Peace in America is now disturbed. — *Admitted as Common Knowledge.*

Phase II: — The disturbance in America is due to the present policy of coercing the colonies to enforce taxation by Parliament.

B. Burke's policy of conciliation would be beneficial; for

Phase III: — Burke's policy would substitute, for the present policy of coercing the colonies to enforce taxation by Parliament, a policy of concession authorizing taxation by colony grant. — *Admitted as Common Knowledge.*

Phase IV: — Burke's policy of concession authorizing taxation by colony grant would restore peace in America.

C. Burke's policy would not introduce any new and worse evils.

D. No substitute policy would be more satisfactory than Burke's policy of conciliation.

Illustration of Points Discovered in the Origin and History of a Case. - To expand the list of points discovered in the first survey of Burke's case on *Conciliation*, a study of the origin and history of the case would yield the following points:

ORIGIN AND HISTORY OF THE CASE

I. The colonies have resisted all attempts to collect taxes levied on them by Parliament without their consent. - *Admitted as Common Knowledge.*

II. Their resistance has developed through chronic disorder and tumult into a state of almost open revolt. — *Admitted as Common Knowledge.*

III. To restore peace, Parliament has recently approved Lord North's plan of concession by compromise.—*Admitted as Common Knowledge.*

A. This plan may be defined as follows:

1. It concedes to the colonies the right to raise taxes by whatever method they choose; but
2. It reserves to Parliament the right to fix the total sum to be raised by all the colonies and the quota that should be assigned to each. — *Admitted as Common Knowledge.*

IV. Now the whole question of American policy has come up again in an aggravated form. — *Admitted as Common Knowledge.*

A. Further savage measures to crush the trade and stop the fisheries of all the colonies have been passed by the House of Lords and sent to the Commons for their approval.—*Admitted as Common Knowledge.*

V. Various explanations have been offered for the stubborn spirit of resistance among the colonies. — *Admitted as Common Knowledge.*

A. One explanation is that this spirit is due only to their grievances in the matter of taxation.

B. Another is that this spirit is due to a desire to throw off all the trade laws enacted by Parliament.

C. Another is that it is due to a desire on the part of the colonies for their independence.

VI. Various plans for solving the general problem have been advanced. — *Admitted as Common Knowledge.*

A. One is that this problem should be settled as a question of legal right.—*Irrelevant by Classifying the Proposition.*

B. Another is that the colonies should simply be punished for their stubbornness. — *Irrelevant by Definition of the Purpose of the Proposed Policy.*

C. Another is to force submission to taxation by Parliament by making war on the colonies.

D. Another is to force submission to taxation by Parliament by further restrictive and punitive measures.

E. Other plans involve some sort of concession. — *Admitted as Common Knowledge.*

1. One is to give the colonies their independence. — *Admitted by Both Sides to be Undesirable.*
2. Another is to give the colonies representation in Parliament. - *Irrelevant to Burke's Policy by Definition, and Admitted by Both Sides to be Impossible.*
3. Another is Lord North's compromise plan.

VII. Some fixed policy of dealing with America must soon be established. — *Admitted as Common Knowledge.*

A. The people are becoming restive under the many shiftings of the ministry. — *Admitted as Common Knowledge.*

1. They realize the importance of peace. — *Admitted as Common Knowledge.*
   (*a*) The colonies have been a great source of strength to England. — *Admitted as Common Knowledge.*
   (*b*) In the recent tumult and disorders they have become a great source of weakness. — *Admitted as Common Knowledge.*

VIII. To restore peace permanently Burke now proposes a policy of conciliation. — *Admitted as Common Knowledge.*

IX. Burke is accused of being a mere obstructionist opposing the ministry because he belongs to the minority in Parliament. — *Irrelevant as Argument ad Hominem.*

Illustration of Points Discovered by a Study of Both Sides of all Phases of the Case. — When a careful study has been made of the origin and history of Burke's case, then a careful study of both sides of all phases of the case should be undertaken. Such a study will yield the following points in an expanded survey of the proof:

I. Should England adopt Burke's policy of conciliation with the American colonies?

Study of Both Sides of All Phases

A. Is some change from the present policy of taxation necessary?

Phase I: — Are there tumults and disorders in America? — *Admitted as Common Knowledge.*

Phase II: — Are these tumults and disorders due to the present policy of coercing the colonies to enforce taxation by Parliament?

(*a*) Is the point true that they are due to a desire on the part of the colonies to throw off all the trade laws enacted by Parliament?

(*b*) Is the point true that they are due to a desire on the part of the colonies for their independence?

B. Would Burke's policy of conciliation be beneficial?

Phase III: — Does this policy make any material change from the present policy? — *Admitted as Common Knowledge.*

Phase IV: — Would this policy restore peace in America?

C. Would Burke's policy introduce new and worse evils?

Phase V: — Would Burke's policy result in a loss of revenue?

Phase VI: — Would a loss of revenue be a real evil? — *Admitted by Burke.*

Phase V: — Would Burke's policy result in a demand for the repeal of the trade laws?

Phase VI: — Would a repeal of the trade laws be a real evil?

Phase V: — Would Burke's policy result in further concessions extending to all legislative authority exercised by Parliament?

Phase VI: — Would concessions extending to all legislative authority by Parliament be a real evil? — *Admitted by Burke.*

Phase V: — Would Burke's policy destroy the unity of the empire?

Phase VI: — Would the destruction of the unity of the empire be a real evil? — *Admitted by Burke.*

Phase V: — Would Burke's policy violate the Constitution?

Phase VI: — Would a violation of the Constitution be a real evil? — *Admitted by Burke.*

D. Would any other policy be more satisfactory than Burke's policy of conciliation?

1. Would resort to war be more satisfactory?

Phase VIII: —Is war materially different from the present policy? — *Admitted by Burke.*

Phase IX: — Is war materially different from Burke's policy? — *Admitted by Burke.*

Phase X: — Would war restore peace in America?

Phase XII:—Would war impair the value of the colonies to England?

2. Would further restrictive and punitive measures be more satisfactory?

Phase VIII:—Would these measures be materially different from the present policy?—*Admitted by Burke.*

Phase IX:—Would these measures be materially different from Burke's policy?—*Admitted by Burke.*

Phase X:—Would these measures restore peace in America?

Phase XII:—Would these measures impair the value of the colonies to England?

3. Would Lord North's compromise plan be more satisfactory?

Phase VIII:—Is Lord North's plan simply a disguised form of the present policy?

Phase IX:—Would Lord North's plan be materially different from Burke's policy?—*Admitted by Burke.*

Phase X:—Would Lord North's plan restore peace in America?

Phase XII:—Would Lord North's plan prove fatal to the British Constitution?

Phase XII:—Would Lord North's plan overwhelm the ministry with perplexing problems?

Phase XII:—Would Lord North's plan result in a loss of revenue from America?

Illustration of the Process of Exclusion in Finding the Issues.—From the foregoing list of points, a long list of possible issues in Burke's case may be secured by the pro-

cess of exclusion. In the following list, all points marked *irrelevant* or *admitted* in the foregoing list are excluded:

Possible Issues after the Process of Exclusion

I. Is some change from the present policy of taxation necessary to restore peace in America?
   A. Are the tumults and disorders in America due to the present policy of coercing the colonies to enforce taxation by Parliament?
      1. Is the point true that they are due to a desire on the part of the colonies to throw off all the trade laws enacted by Parliament?
      2. Is the point true that they are due to a desire on the part of the colonies for their independence?

II. Would Burke's policy of conciliation restore peace in America?

III. Would Burke's policy of conciliation introduce new and worse evils?
   A. Would Burke's policy result in a loss of revenue from America?
   B. Would Burke's policy result in a demand for the repeal of the trade laws?
   C. Would a repeal of the trade laws be a real evil?
   D. Would Burke's policy result in further concession extending to all legislative authority exercised by Parliament?
   E. Would Burke's policy destroy the unity of the empire?
   F. Would Burke's policy violate the Constitution?

IV. Would any other policy be more satisfactory than Burke's policy of conciliation?
   A. Would resort to war be more satisfactory?
      1. Would war restore peace in America?

2. Would war impair the value of the colonies to England?

B. Would further restrictive and punitive measures be more satisfactory?

1. Would these measures restore peace in America?
2. Would these measures impair the value of the colonies to England?

C. Would Lord North's compromise plan be more satisfactory?

1. Is Lord North's compromise plan simply a disguised form of the present policy?
2. Would Lord North's plan restore peace in America?
3. Would Lord North's plan prove fatal to the British Constitution?
4. Would Lord North's plan overwhelm the ministry with perplexing problems?
5. Would Lord North's plan result in a loss of revenue from America?

Illustration of the Process of Selecting Points as Issues. — All the points in the foregoing list will constitute either main issues or subordinate issues in Burke's case; for proof may be advanced on both sides of each of these points. Too many points are included in this list, however, for all of them to constitute main issues; and, hence, only those main points that summarize all the proof should be selected as the main issues in the case. The main issues of Burke's case are, therefore, the points given below:

MAIN ISSUES

I. Is some change from the present policy of taxation necessary to restore peace in America?

II. Would Burke's policy of conciliation restore peace in America?

III. Would Burke's policy of conciliation introduce new and worse evils?

IV. Would any other policy be more satisfactory than Burke's policy of conciliation?

Summary of the Subject of Finding the Issues. — The process of finding the issues is one of the most important steps in building the case; for the issues constitute those main questions of fact or theory on the settlement of which depends the establishment or disestablishment of the proposition; and the process of finding either main or subordinate issues continues throughout the whole process of building the case. It is highly important, therefore, that the student of debate should be thoroughly familiar with all the requirements for the issues and with all the steps necessary for finding them.

CHAPTER IV

DRAWING THE BRIEF[1]

Preliminary Statement. — The first three steps in building the case have been described as *defining the terms, surveying the proof,* and *finding the issues.* Of these three steps, defining the terms, and surveying the proof are merely intended to aid in the process of finding the issues.

The whole case must be built around the issues; for the issues are the main questions of fact or theory on the settlement of which depends the establishment or disestablishment of the proposition. When the issues have been found, however, another step still remains to be taken in building the case: namely, to assemble all the available proof around the issues in such a way that it shows clearly every process of reasoning by which the proposition is upheld or overthrown. This last step in building the case is called *drawing the brief.*

Definition of the Brief. — The *brief* is a complete written outline of all the available proof in a case assembled with the purpose of establishing the truth of one side of the proposition, and arranged so as to make clear at a glance the relation of each part of the proof to all other parts and to the proposition.

Distinction between a Debater's Brief and All Other Outlines. — The *debater's brief* differs from all *other outlines* in

[1] For lesson assignments on *Drawing the Brief,* see Appendix A.

three important respects: *First*, it never employs mere terms or catch-phrases for its topics, but always employs complete sentences. *Second*, it never employs a paragraph structure for the expression of its ideas; but always employs indented headings and subheadings. And *third*, it makes no attempt to follow the order of thought that would be most effective in presenting a subject to a particular audience, but always presents ideas strictly in the order of their logical relation to the proposition.

The brief, therefore, should not be regarded as a mere suggestive outline for the development of a speech, or as an outline to be followed in the delivery of a speech; but it should be regarded rather as a complete *outline of a case* showing clearly the logical relation of each part of the proof to all other parts of the proof and to the proposition.

Distinction between a Debater's Brief and a Legal Brief on Appeal. — The *debater's brief* should also be distinguished clearly from the *legal brief* used in cases on appeal from the lower courts to the higher courts. The legal brief on appeal, without doubt, is the source from which all the principles for developing a debater's brief were derived; but these two kinds of briefs now involve very important differences, both in regard to the purpose which each is intended to serve, and also in regard to their structure.

The purpose of the *legal brief* is to present the court with a concise printed statement of the whole case to aid the court in coming to a decision; but the purpose of the *debater's brief* is to put in the most concise written or printed form all the proof in a case to assist the debater himself in keeping clear all the different parts of his proof.

The *legal brief* also employs a paragraph structure for the expression of its ideas; whereas, the *debater's brief* always

employs a system of indented headings and subheadings. Because the legal brief does employ a paragraph structure, it is much less exacting in its requirements than the debater's brief. When, therefore, the student has mastered all the requirements for the debater's brief, he need experience little difficulty in the construction of a legal brief.

The purpose of this text is to teach merely the principles governing the construction of a debater's brief rather than the principles governing the construction of a legal brief on appeal. If, however, the student is interested in the subject of legal briefs on appeal, he is referred to the most authoritative and elaborate treatment of the subject in the work called *Brief Making,* published by the West Publishing Company of St. Paul, Minnesota; or to the more concise treatment of the subject in Maxcy's *The Brief,* published by Houghton Mifflin Co.

I. GENERAL RULES OF BRIEF-DRAWING

General Rules of Brief-Drawing. — The subject of brief-drawing from the debater's standpoint may be approached best by giving: *First,* the general rules of brief-drawing; *second,* the special rules for the Introduction; *third,* the special rules for the Discussion; and *fourth,* the special rules for the Conclusion.

The general rules of brief-drawing are as follows:

1. The brief should always appear with a title clearly describing its contents.
2. The brief should always contain three main divisions marked respectively: Introduction; Discussion; and Conclusion.
3. All ideas in the brief should be arranged as headings and subheadings.

4. Every heading and subheading should be a complete sentence.
5. Every heading and subheading should express only a single point.
6. The relation between all headings and subheadings should be indicated by regular indentation, numbering, and lettering.
7. No heading or subheading should be marked with a double symbol.

The Title. — The title of a brief is a device that serves two purposes: *First*, it assists in filing the brief as a document; and *second*, it assists in making plain at a glance the general content of the brief.

The title of the brief should always name the document as a brief; indicate the type of proposition to be considered; set forth the side of the case to be upheld; and give the exact wording of the proposition.

A specimen form of the title is given below:

A Brief
For the Affirmative (or Negative)
of the
Proposition of Fact (or Policy)

Resolved: That .....

The Introduction, Discussion, and Conclusion. — The three main divisions of the brief are: the Introduction; Discussion; and Conclusion.

The purpose of the *Introduction* is to record the issues and the main points to be proved, with whatever preliminary statements are necessary to explain and defend the selection of these points as the main points in controversy.

The purpose of the *Discussion* is to record whatever proof is available to establish one side of the case under the main points set forth to be proved.

The purpose of the *Conclusion* is to summarize all the main points of proof in such a way as to show that one side of the case has been established.

Headings and Subheadings. — The purpose of the brief is to make clear at a glance all the main and the subordinate points of a case in their relation to one another and to the proposition. To make this relation clear, a device is used in which all points are arranged as either headings or subheadings.

The student is already familiar with this system of arranging points, which has been used throughout this text in presenting chains of reasoning.[1]

This system may be likened, however, not only to a method of arranging points in chains that lead to the proposition, but also to a method of arrangement in which points of proof ascend to the proposition step by step in various flights of stairs.

The arrangement of headings and subheadings, as it resembles flights of stairs, may be illustrated in the following skeleton outline:

I. The Proposition.
  A. A Main Point.
    1. A Subordinate Point.
      (*a*) Evidence.
  B. A Main Point.
    1. A Subordinate Point.
      (*a*) Evidence.

[1] See pages 30–33.

Headings and Subheadings as Complete Sentences. — The brief aims, not merely to suggest points that may be used in a case, but to record accurately and clearly the exact points that are to be used. To accomplish this purpose, it cannot employ mere terms and catch-phrases in its headings and subheadings; but it must employ complete sentences: for mere terms and catch-phrases simply suggest points; whereas, a complete sentence is necessary to express a point accurately and clearly.

The difference between the clearness and accuracy of an outline that employs mere terms and catch-phrases and an outline that employs complete sentences is illustrated in the two specimens from Burke's case on *Conciliation* which follow:

Outline Employing Catch-Phrases

I. Other Policies
   A. War
      1. Temporary
      2. Uncertain
      3. No Example
      4. Impaired Value of Object

This outline, as it stands, may suggest a countless number of points to the person who made it; but it fails utterly to record accurately and clearly the exact points that are to be used; and it cannot, therefore, satisfy the requirements of a brief.

If the topics in this outline were expanded into sentences, however, as in the following outline, it would be perfectly clear:

Outline Employing Complete Sentences

I. No other policy of restoring peace in America would be more satisfactory than Burke's policy of conciliation; for

A. The policy of resorting to war would not be more satisfactory; for
1. Peace established by war is only temporary.
2. The outcome of war is always uncertain.
3. There is no example of success in ruling colonies by force of arms.
4. War would simply impair the value of the colonies to England.

Headings and Subheadings as Single Points. — The brief aims to keep entirely separate all the various distinct lines of proof that lead to the proposition; and, hence, it is important that these various lines of proof should not be confused by the use of headings or subheadings that express more than a single point.

The confusion resulting from a heading that expresses more than a single point is illustrated in the following outline of proof taken from Burke's case on *Conciliation:*

Confused Outline with Double Point

I. Lord North's plan is, not only a mere experiment, but it is also a dangerous experiment; for
A. There is no precedent for it; for
1. It is not regular Parliamentary taxation; and
2. It is not taxation by colony grant.
B. It will prove fatal to the British Constitution; for
1. It will establish a system of taxation by the ministry.

In this outline it is plainly apparent that the reason why Lord North's plan is an experiment is not that it will prove fatal to the British Constitution; but the reason is that there is no precedent for it. Yet, according to the outline, both these reasons are given for this statement.

In the outline, page 209, it is also plainly apparent that the reason why Lord North's plan is dangerous is not that it is a mere experiment; but the reason is that it will prove fatal to the British Constitution. Yet, according to the outline, both these reasons are given for this statement.

The confusion in this proof is due entirely to the use of a heading that expresses more than a single point; and this confusion could be avoided by expressing the two points in separate headings as in the outline below:

Clear Outline with Single Points

I. Lord North's plan is a mere experiment; for
   A. There is no precedent for it; for
      1. It is not regular Parliamentary taxation; and
      2. It is not taxation by colony grant.

II. The experiment in Lord North's plan is dangerous; for
   A. It will prove fatal to the British Constitution; for
      1. It will establish a system of taxation by the ministry.

Indentation, Numbering, and Lettering. — The system of regular indentation, numbering, and lettering for headings and subheadings is a device for making clear at a glance the relation between various points in a case; and it is a very important device for this purpose.

The system of numbering and lettering commonly employed is represented in the following skeleton outline:

Numbering and Lettering in Skeleton Outline

I. .....
   A. .....
      1. .....

B. .....
1. .....
2. .....
(*a*) .....
C. .....
1. .....
(*a*) .....
(*b*) .....
(I′) .....
(*A′*) .....
(1′) .....
(*a′*) .....
(I″) .....

The importance of observing a regular system of indentation for headings and subheadings is illustrated in the two following outlines. In the first outline given below, the clearness of the relation between points is greatly obscured, because a regular system of indentation is not observed.

Confused Outline from Irregular Indentation

I. No other policy for restoring peace in America would be more satisfactory than Burke's policy of conciliation; for

A. A policy of further restrictive and punitive measures to enforce taxation by Parliament would not be more satisfactory; for

1. Such measures must aim either to remove the causes of the spirit of resistance among the colonies, or to prosecute this spirit as criminal in its overt acts; and

2. Any attempt to remove the causes of this spirit would be either impracticable or inexpedient; for

(*a*) One of the causes of this spirit is the slave-system in the South; and

(*b*) Any attempt to crush the high spirit of the South by liberating the slaves against their masters would be impracticable; for

(I′) The slaves might not accept their freedom from us; for

(*A′*) They are often attached to their masters; and

(*B′*) They would suspect an offer of freedom from us; for

(1′) We sold them into slavery.

The clearness of this outline is, of course, utterly ruined by the irregularity of its indentation; but, if the indentation were made regular, as in the following outline, its clearness would be restored immediately.

Clear Outline by Regular Indentation

I. No other policy for restoring peace in America would be more satisfactory than Burke's policy of conciliation; for
   A. A policy of further restrictive and punitive measures to enforce taxation by Parliament would not be more satisfactory; for
      1. Such measures must aim either to remove the causes for the spirit of resistance among the colonies, or to prosecute this spirit as criminal in its overt acts; and
      2. Any attempt to remove the causes of this spirit would be either impracticable or inexpedient; for
         (*a*) One of the causes for this spirit is the slave-system in the South; and
         (*b*) Any attempt to crush the high spirit of the South by liberating the slaves against their masters would be impracticable; for

(I′) The slaves might not accept their freedom from us; for
(*A*′) They are often attached to their masters; and
(*B*′) They would suspect an offer of freedom from us; for
(1′) We sold them into slavery.

The Use of Single Symbols. — To keep clear the relation between points in a case, the debater should never employ a double symbol to mark any heading or subheading; for such a symbol indicates that the heading is both a main heading and a subheading at the same time.

An illustration of briefing that is faulty in this respect is found in the following outline:

Confused Outline with Double Symbols

I. No other policy of restoring peace in America would be more satisfactory than Burke's policy of conciliation; for
A. 1. War can produce only temporary peace.
2. The outcome of war is uncertain.
B. 1. Lord North's plan is a mere experiment.
2. The experiment in Lord North's plan is dangerous.

To clear up this confusion, the brief-maker should merely insert a more general heading above the heading that has a double symbol. If this were done for the outline given above, then the points would appear as follows:

Clear Outline with Single Symbols

I. No other policy of restoring peace in America would be more satisfactory than Burke's policy of conciliation; for

A. The policy of resorting to war would not be more satisfactory; for
  1. War can produce only a temporary peace.
  2. The outcome of war is uncertain.

B. Lord North's plan would not be more satisfactory; for
  1. Lord North's plan is a mere experiment.
  2. The experiment in Lord North's plan is dangerous.

General Structure of the Brief. — From the foregoing general rules for the construction of a brief, it will be seen that the structure of a brief must correspond with the following skeleton outline:

A Brief
For the Affirmative (or Negative)
of the
Proposition of Policy (or Fact)

Resolved: That .....

Introduction

I. .....
II. .....
III. .....
  A. .....
  B. .....
  C. .....
  D. .....

Discussion

I. .....
  A. .....
    1. .....
      (*a*) .....

II. .....
III. .....
IV. .....

Conclusion

I. .....
A. .....
B. .....
C. .....
D. .....
II. .....
A. .....

II. SPECIAL RULES FOR THE INTRODUCTION

Special Rules for the Introduction. — The special rules governing the construction of the Introduction are:

1. The Introduction should always make provision for the following parts:
   (*a*) A Definition of Terms;
   (*b*) A Statement of the Origin and History of the Case;
   (*c*) A Statement of Irrelevant Matter;
   (*d*) A Statement of Admitted or Waived Matter;
   (*e*) A Statement of the Issues; and
   (*f*) A Partition.
2. The Introduction should contain only matter that may be used to explain or defend the selection of the issues as the main points in the controversy.
3. The Introduction should contain only statements, the truth of which must be admitted by both sides.

Definition of Terms in the Introduction. — The terms to be defined in the Introduction should be terms in the given

proposition or in any alternative proposition; but they should be only terms that may give rise to more than one interpretation.

These terms should always be defined by the methods of analysis and exclusion;[1] and under propositions of policy, the proposed policy, the present policy, and substitute policies should be defined by analysis to show: *First*, their purpose; *second*, their essential parts; and *third*, their mutual differences.

Origin and History of the Case in the Introduction. — The statement of the origin and history of the case in the Introduction should include: *First*, a statement of the occasion that has given rise to the present controversy; *second*, a statement of the occasions that have given rise to previous similar controversies; *third*, a statement of the importance that has been attached to these controversies; and *fourth*, a statement of conflicting views held by people in connection with the proposition under discussion.

Statement of Irrelevant Matter in the Introduction. — The statement of irrelevant matter in the Introduction should include all matter made irrelevant: *First*, by a classification of the proposition; *second*, by a definition of terms according to the method of exclusion; and *third*, by the detection of fallacies of argument beside the point.[2]

Statement of Admitted or Waived Matter in the Introduction. — The statement of admitted or waived matter in the Introduction should include: *First*, all matter of undoubted common knowledge; *second*, all matter in an opponent's case that can be admitted without injury; *third*,

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[1] See pages 140–141.

[2] See pages 20–21, 140–141, 114–119.

all matter in one's own case that has been admitted by an opponent; and *fourth*, all matter that one side might contest, but which it has agreed to exclude from the discussion.

Statement of the Issues in the Introduction. — The statement of the issues in the Introduction should always include only a very limited number of main points, preferably three or four, upon the settlement of which depends the establishment or disestablishment of the main proposition. These points, but *no others in the whole brief*, should be expressed in the form of direct questions.

The Partition in the Introduction. — The *partition* in the Introduction is a statement of the main points to be proved; and it consists usually simply of the main issues converted from questions into statements that support the side of the proposition that the debater upholds. In some cases, however, the first subpoints under the main issues are given in the partition.

Only Matter Explaining or Defending the Selection of Issues in the Introduction. — The purpose of the Introduction is to clear the ground for discussion of the proof under the issues and to make unnecessary any dispute in the actual debate concerning what are the main points that ought to be proved. Any matter in the Introduction, therefore, that does not tend to explain or defend the selection of certain points as issues, is clearly out of place; and, hence, the brief-maker must be constantly on his guard to exclude matter that is merely entertaining or generally instructive.

Only Statements Admittedly True in the Introduction. — Since the purpose of the Introduction is to make unnecessary any dispute in the actual debate except on matters under

the alleged issues, it is important that no statement in the Introduction should itself provoke controversy. All statements in the Introduction, therefore, should be such that their truth will be admitted by both sides.

III. SPECIAL RULES FOR THE DISCUSSION

Special Rules for the Discussion. — The special rules governing the construction of the Discussion are:

1. All main headings in the Discussion should correspond exactly to the points in the partition.
2. Every subheading in the Discussion should read as a reason for the truth of the major heading immediately above it.
3. Whenever a concession is to be made in connection with an argument, it should be expressed in the form of a subordinate clause attached to a heading or subheading; but it should not itself be expressed as a separate heading or subheading.
4. No heading to be proved should contain any part of its own proof.
5. No subheading should repeat a heading above it.
6. All chains of reasoning should be developed as far as, but no further than, the evidence.
7. The source of all evidence not derived from common knowledge should be noted either in the margin or under the evidence.
8. All proof in refutation should be considered, not under a separate division of the brief, but under the particular issues to which it applies.
9. All proof in refutation should be so phrased that it indicates clearly the proof to be refuted.

Main Headings the Same as Points in the Partition. — By a very elaborate process recorded under the various parts of the Introduction, certain main points, upon the settlement of which depends the establishment or disestablishment of the proposition, have been discovered; and these main points have been set forth in the partition as the points to be proved in the Discussion. The main headings in the Discussion, therefore, should always correspond exactly to the points in the partition.

Subheadings as Reasons for the Truth of the Major Heading Above. — Every subheading in the Discussion should read as a reason for the truth of the major heading immediately above it. The effect of this rule is that every heading must be connected with its subheadings by such expressions as *for, since, because,* and *inasmuch as;* and all other connectives such as *therefore, hence,* and *thus* are strictly prohibited.

The reason for this rule is that it makes the more important headings conspicuous, and makes unnecessary their continual repetition. A single attempt to arrange all headings and subheadings according to the opposite order — that is, premise first and conclusion afterwards — will be sufficient to demonstrate its uselessness.

Concessions Not Expressed as Separate Headings. — The object of the Discussion is to record clearly all proof that supports one side of a proposition; and, hence, it is important that none of the headings shall be points that support the other side of the proposition; for the insertion of such points merely leads to confusion.

Sometimes the brief-maker considers it desirable, however, to make certain concessions to his opponent in connection with arguments that are to be advanced. If such

concessions must be made, then they should be expressed as subordinate clauses attached to some heading or subheading, rather than as separate headings or subheadings.

To illustrate the confusion resulting from the expression of a concession as a separate heading, the following faulty outline is given:

CONFUSED OUTLINE WITH CONCESSION AS SEPARATE HEADING

I. Burke's policy of conciliation would not introduce new and worse evils; for
   A. Burke's policy may result in a repeal of the trade laws; but
   B. A repeal of the trade laws would not be a real evil.

If the concession made in this proof were expressed as a subordinate clause attached to the heading below it, then there would be no subheading that did not read as a reason for the truth of the major heading immediately above it, and the confusion of proof for one side with proof for the other side would be removed. The following outline shows how this confusion may be remedied:

CLEAR OUTLINE WITH CONCESSION AS SUBORDINATE CLAUSE

I. Burke's policy of conciliation would not introduce new and worse evils; for
   A. Even though Burke's policy may result in a repeal of the trade laws — a repeal of these laws would not be a real evil.

No Heading to Contain Part of Its Own Proof. — Whenever a heading expresses any part of its own proof, then it contains more than a single point; and one of the points that it con-

tains is likely to be assumed without warrant. To guard against such unwarranted assumption, therefore, the rule is made that no heading should contain any part of its own proof.

To illustrate this error in briefing, the following faulty outline is given:

Faulty Outline with Heading Containing Part of Its Own Proof

1. Lord North's plan for restoring peace in America would not be so satisfactory as Burke's policy of conciliation; for
   A. By establishing a system of taxation by the ministry, Lord North's plan would prove fatal to the British Constitution.

The subheading in this outline contains part of its own proof in the words *by establishing a system of taxation by the ministry;* and, thus, two points are crowded into one, with the result that one of these points is likely to be assumed without warrant. To correct this error, the point that is crowded into the heading should be expressed as a subpoint; and, then, the proof needed to establish it may be appended, as in the following outline:

Correct Outline with No Heading Containing Part of Its Own Proof

I. Lord North's plan for restoring peace in America would not be so satisfactory as Burke's policy of conciliation; for
   A. Lord North's plan would prove fatal to the British Constitution; for

1. Lord North's plan would establish a system of taxation by the ministry; for
   (*a*) The House of Commons could not hear all the claims of the colonies about their proper quotas without giving up all other business.

No Heading to Repeat a Heading above It. — It is impossible, of course, to prove any proposition by means of the proposition itself; and, whenever such proof is attempted, it involves the common fallacy of begging the question.[1] The brief-maker should be continually on guard, therefore, to use no heading in his Discussion that repeats a heading above it; for proof that involves such a repetition is proof that begs the question.

Chains of Reasoning to Extend Only to the Evidence. — Two common faults continually appear in debaters' briefs. One is that the chains of reasoning in the Discussion do not extend to the evidence; and the other is that chains of reasoning extend beyond the evidence demonstrating points that are perfectly obvious. An important rule in brief-drawing is, therefore, that all chains of reasoning should be developed as far as, but no further than, the evidence.[2]

Notation of the Sources of Evidence. — Unless evidence is derived from common knowledge, its reliability may be challenged at any time; and, hence, it is important to provide against any such contingency by noting the sources of evidence in a brief. This may be done by placing an exact reference to the source either in the margin against the evidence or directly under the evidence.

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[1] See pages 107–110.

[2] See pages 49–52.

A method of notation for the sources of evidence is given in the following outline:

I. Burke's policy of conciliation would not result in a loss of revenue from America; for

A. Experience has shown that a system of taxation by voluntary grants produces the richest revenue; for

1. This has been the experience hitherto in the colonies; for

(*a*) Parliament has repeatedly acknowledged large grants from the colonies. —

Journals of Parliament —

Vol. XXVII; May 16 and 19, 1757.

Vol. XXVIII; June 1, 1758; April 26 and 30, 1759; March 26 and 31, April 28, 1760; January 9 and 20, 1761.

Vol. XXIX; January 22 and 26, 1762; March 14 and 17, 1763.

Place of Refutation in the Brief. — If refutation is placed under a separate division of the brief, then many arguments are likely to be refuted that are altogether irrelevant to the proposition, and many other arguments will be refuted whose relation to the proposition is not at all clear. The only way, therefore, to confine refutation to relevant points and to make clear the relation of refutation to the proposition, is to insist that all proof in refutation should be considered, not under a separate division of the brief, but under the particular issues to which it applies.

To illustrate how the relation of refutation to the proposition may be made obscure by the statement of refutation under a separate division of the brief, the following faulty briefing of refutation is given:

Faulty Briefing of Refutation

Resolved: That England should adopt Burke's policy of conciliation with the American colonies.

Refutation

I. The contention that a repeal of the trade-laws would be injurious to England is false; for
   A. The ministry has admitted that the trade laws are futile and useless.

Just how this refutation is related to Burke's proposition of concession to the colonies by authorizing a system of taxation by colony grant is not made at all clear; but, if this refutation were placed under the issue to which it applies, as in the following outline, then its relation to the proposition would be perfectly clear.

Correct Briefing of Refutation

Resolved: That England should adopt Burke's policy of conciliation with the American colonies.

Discussion

I. Burke's policy of conciliation would not introduce new and worse evils; for
   A. Even though Burke's policy may result in a repeal of the trade laws — a repeal of these laws would not be injurious to England; for
      1. The ministry has admitted that the trade laws are futile and useless.

Phrasing of Refutation. — In the statement of refutation, great care must be taken, not only to show its relation to the proposition, but also to make clear the exact proof to be refuted.

An illustration of refutation that is phrased in such a way that it obscures the proof to be refuted is given in the following outline:

FAULTY PHRASING OF REFUTATION

I. The point about the trade laws is absolutely without foundation; for
   A. The ministry has admitted that the trade laws are futile and useless.

This phrasing of refutation is obscure, because no one could tell from it just what is the point about the trade laws that is being refuted; but if this refutation were phrased as in the following outline, it would be perfectly clear.

CORRECT PHRASING OF REFUTATION

I. The contention that a repeal of the trade laws would be injurious to England is unfounded; for
   A. The ministry has admitted that the trade laws are futile and useless.

IV. SPECIAL RULES FOR THE CONCLUSION

Special Rules for the Conclusion. — The special rules governing the construction of the Conclusion are:

1. The Conclusion should always contain a summary of the main points in the Discussion.
2. The Conclusion should always contain as its last statement the proposition that was to be proved.

Summary of Points in the Conclusion. — Since the purpose of the Conclusion is to gather together all the different lines of argument leading to the proposition to show without a re-reading of the brief that one side of the case has been

established, the Conclusion must contain a summary of the main points proved in the Discussion. This summary should always correspond exactly to the partition in the Introduction.

Statement of the Proposition in the Conclusion. — A brief resembles very much, in its exactness, the methods of proof employed in geometry for the demonstration of theorems; and so, like these demonstrations in geometry, which begin and end with a statement of the theorem to be proved, the brief should also begin and end with a statement of the proposition to be proved.

Summary of the Rules for Brief-Drawing. — In the construction of a brief, twenty-one different rules must be observed. For convenience, therefore, in memorizing these rules, all of them are given together in the following summary:

General Rules of Brief-Drawing

1. The brief should always appear with a title clearly describing its contents.
2. The brief should always contain three main divisions marked respectively: Introduction; Discussion; and Conclusion.
3. All ideas in the brief should be arranged as headings and subheadings.
4. Every heading and subheading should be a complete sentence.
5. Every heading and subheading should express only a single point.
6. The relation between all headings and subheadings should be indicated by regular indentation, numbering, and lettering.

7. No heading or subheading should be marked with a double symbol.

Special Rules for the Introduction

1. The Introduction should always make provision for the following parts:
   (*a*) A Definition of Terms;
   (*b*) A Statement of the Origin and History of the Case;
   (*c*) A Statement of Irrelevant Matter;
   (*d*) A Statement of Admitted or Waived Matter;
   (*e*) A Statement of the Issues; and
   (*f*) A Partition.
2. The Introduction should contain only matter that may be used to explain or defend the selection of the issues as the main points in the controversy.
3. The Introduction should contain only statements the truth of which must be admitted by both sides.

Special Rules for the Discussion

1. All main headings in the Discussion should correspond exactly to the points in the partition.
2. Every subheading in the Discussion should read as a reason for the truth of the major heading immediately above it.
3. Whenever a concession is to be made in connection with an argument, it should be expressed in the form of a subordinate clause attached to a heading or subheading; but it should not itself be expressed as a separate heading or subheading.
4. No heading to be proved should contain any part of its own proof.
5. No subheading should repeat a heading above it.

6. All chains of reasoning should be developed as far as, but no further than, the evidence.
7. The source of all evidence not derived from common knowledge should be noted either in the margin or under the evidence.
8. All proof in refutation should be considered, not under a separate division of the brief, but under the particular issues to which it applies.
9. All proof in refutation should be so phrased that it indicates clearly the proof to be refuted.

Special Rules for the Conclusion

1. The Conclusion should always contain a summary of the main points in the Discussion.
2. The Conclusion should always contain as its last statement the proposition that was to be proved.

Specimen Brief. — To provide a model for the student to follow in his own brief-making, the following specimen brief of Burke's case on *Conciliation* is given:

A Brief
For the Affirmative
of the
Proposition of Policy

Resolved: That England should adopt Burke's policy of conciliation with the American colonies.

Introduction

I. Burke's policy of conciliation may be defined as follows:

A. It is a policy to restore peace in America by complete concession to the demands of the colonists regarding taxation.

B. This policy is expressed in nine resolutions to be enacted by Parliament.

1. None of these resolutions attempts to settle the problem involved as a question of legal right.
2. All these resolutions are intended to restore peace by admitting the colonies to an interest in the British Constitution.
   - (*a*) Six of these resolutions embody the principal part of the plan.
     - (I′) These six resolutions establish a fixed policy of revenue from America by voluntary grants of the colonial legislatures.
   - (*b*) The remaining three resolutions are corollaries of the first six.
     - (I′) These three resolutions repeal all legislation to enforce a contrary policy.
   - (*c*) None of these resolutions admits the colonies to an interest in the British Constitution by giving them representation in the English Parliament.

C. This policy differs from all other policies in the following respects:

1. This policy does not involve coercion in any form.
2. It does not involve concession in any matters except those affecting taxation.
3. It does not involve any compromise in its concession.

II. The present policy of dealing with the colonies in the matter of taxation may be defined as follows:

A. This policy has been one of coercion to enforce taxation by Parliament.

1. This policy has involved various restrictive and punitive measures.

(*a*) It has attempted to restrict the commerce and industries of the colonies.

(*b*) It has attempted to suspend the operation of government in the colonies.

(*c*) It has provided for transporting persons to England for trial.

B. This policy differs from Burke's policy in the following respects:

1. It is a policy of coercion rather than concession.
2. It attempts to enforce taxation by Parliament rather than to authorize taxation by colony grant.

III. Other suggested policies for dealing with the colonies may be divided into two groups: namely, those involving more vigorous coercion to enforce Parliamentary taxation; and those involving some kind of concession.

A. Suggested policies involving more vigorous coercion are: the policy of resorting to war; and the policy of further restrictive and punitive measures.

B. Other suggested policies involving concession of some kind are: the policy of granting the colonies their independence; and Lord North's compromise plan.

1. Lord North's compromise plan may be defined as follows:

(*a*) It concedes to the colonies the right to raise taxes by whatever method they choose; but

(*b*) It reserves to Parliament the right to fix the total sum to be raised by all the colonies and the quota that should be assigned to each.

(*c*) This plan differs from Burke's plan in the following respects:

(I′) It is neither a plan of regular taxation by Parliament, nor a plan of taxation by colony grant.

(II′) It does not involve complete concession to the demands of the colonists regarding taxation.

(III′) It does involve coercion in some form to compel the payment of quotas.

IV. The origin and history of the case are as follows:

A. The colonies have resisted all attempts to collect taxes levied on them by Parliament without their consent.

B. Their resistance has developed through chronic disorder and tumult into a state of almost open revolt.

C. To restore peace, Parliament has recently approved Lord North's compromise plan.

D. Now the whole question of American policy has come up again in an aggravated form; for

1. Further savage measures to crush the trade and stop the fisheries of all the colonies have been passed by the House of Lords and sent to the Commons for their approval.

E. Various explanations have been offered for the stubborn spirit of resistance among the colonies:
1. One explanation is that this spirit is due only to their grievances in the matter of taxation.
2. Another is that this spirit is due to a desire to throw off all the trade laws enacted by Parliament.
3. Another is that it is due to a desire on the part of the colonies for their independence.

F. Various plans for solving the general problem have been advanced.
1. One is that this problem should be settled as a question of legal right.
2. Another is that the colonies should simply be punished for their stubbornness.
3. Another is to force submission to taxation by Parliament by making war on the colonies.
4. Another is to force submission to taxation by Parliament by further restrictive and punitive measures.
5. Other plans involve some kind of concession:
   (*a*) One is to give the colonies their independence.
   (*b*) Another is to give the colonies representation in Parliament.
   (*c*) Another is Lord North's compromise plan.

G. Some fixed policy of dealing with America must soon be established; for
1. The people are becoming restive under the many shiftings of the ministry; for
   (*a*) They realize the importance of peace; for
      (I′) The colonies have been a great source of strength to England; but

(II′) In the recent tumults and disorders they have become a great source of weakness.

H. To restore peace permanently Burke now proposes a policy of conciliation.

I. Burke is accused of being a mere obstructionist opposing the ministry because he belongs to the minority in Parliament.

V. In the present controversy, the following matters are wholly irrelevant:

A. All argument against Burke personally is irrelevant; for

1. Such argument has nothing to do with the merits of his proposition.

B. All argument concerning whether the spirit of resistance among the colonists deserves praise or blame is irrelevant; for

1. Such argument does not touch the problem of what shall be done with this spirit.

C. All argument concerning this problem as if it were a question of legal right is irrelevant; for

1. The question is not: What has Parliament a right to do? but
2. It is rather: What is most expedient for Parliament to do in order to restore peace?

D. All argument directed against a system of colonial representation is irrelevant; for

1. Such a system is not contemplated in Burke's policy of admitting the colonies to an interest in the British Constitution.

VI. Admitted matter in the case is as follows:

A. That there is a state of almost open revolt in America is matter of common knowledge.

B. That the tumults and disorders in America have made the colonies a great source of weakness to England is matter of common knowledge.

C. That the colonists have grievances has been admitted in resolutions passed by Parliament.

D. That the mode of taxing the colonists is a grievance has been partly admitted by the approval given to Lord North's plan.

E. That conciliation is admissible previous to submission by America is also admitted by the approval given to Lord North's plan.

F. That no policy should be adopted that destroys all prospect of revenue from America is admitted by both sides.

G. That no policy should be adopted that gives the colonies their independence is admitted by both sides.

H. That no policy should be adopted that destroys the unity of the empire is admitted by both sides.

I. That no policy should be adopted that violates the Constitution is admitted by both sides.

VII. The main issues in the case are:

A. Is some change from the present policy of taxation necessary to restore peace in America?

B. Would Burke's policy of conciliation restore peace in America?

C. Would Burke's policy of conciliation introduce new and worse evils?

D. Would any other policy be more satisfactory than Burke's policy of conciliation?

VIII. The main points that the Affirmative in this case will try to uphold are that:

A. Some change from the present policy of taxation is necessary to restore peace in America.

B. Burke's policy of conciliation would restore peace in America.

C. Burke's policy of conciliation would not introduce new and worse evils.

D. No other policy would be more satisfactory than Burke's policy of conciliation.

Discussion

I. Some change from the present policy of taxation is necessary to restore peace in America; for

A. The present tumults and disorders in America are due to the previous policy of coercing the colonies to enforce taxation by Parliament; for

1. The question of taxation without representation has been publicly avowed by the colonies to be the origin of the dispute; and
2. The contention that the dispute with the colonies has arisen from their dislike of the trade laws is without foundation; for
   (*a*) The dispute over taxation preceded any dispute over the trade laws; and
   (*b*) The trade laws cannot be alleged to be the origin of the dispute until the tax laws have been repealed to show the operation of the trade laws alone.

II. Burke's policy of conciliation would restore peace in America; for

A. Burke's policy satisfies the complaint of the colonies that they are taxed without representation;

B. It admits the colonies to an interest in the British Constitution; for

1. It gives them the privilege of taxation by grant; and

C. The policy of admitting peoples to an interest in the British Constitution has restored peace in four similar instances; for

1. Peace was restored in Ireland by admitting the people of Ireland to an interest in the British Constitution; for
   (*a*) Before the privilege of taxation by grant was bestowed on the whole of Ireland, the English tried without success for five hundred years to subdue the island; but
   (*b*) Since this privilege was bestowed, Ireland has become pacified.
2. Peace was restored in Wales also by admitting the people of Wales to an interest in the British Constitution; for
   (*a*) Before the privilege of taxation by grant was bestowed on Wales, the English tried without success for two hundred years to subdue this district; for
      (I′) In this period they tried in vain to disarm the Welsh;
      (II′) They tried in vain to drag Welsh offenders to England for trial;
      (III′) They tried in vain to restrain the trade of the Welsh; and
      (IV′) The only result of these measures was chronic tumult and disorder; but
   (*b*) Since the privilege of taxation by grant was bestowed, Wales has become pacified.

3. Peace was restored in the County Palatine of Chester by the same means; and
4. Peace was restored in the County Palatine of Durham also by the same means.

D. The argument that peace will not be restored by satisfying the complaints of the colonies on taxation because they will go further in their complaints is fallacious; for

1. It assumes that the fewer the causes are for dissatisfaction, the more the subject is inclined to rebel.

III. Burke's policy of conciliation would not introduce new and worse evils; for

A. The argument that it would result in a loss of revenue from America is unfounded; for

1. Experience has shown that a system of taxation by voluntary grants produces the richest revenue; for
   (*a*) This has been the experience in England;
   (*b*) It has been the experience in Ireland; and
   (*c*) It has been the experience, hitherto, in the colonies; for
      (I′) Parliament has repeatedly acknowledged large grants from the colonies.—

      Journals of Parliament—
      Vol. XXVII; May 16 and 19, 1757.
      Vol. XXVIII; June 1, 1758; April 26 and 30, 1759; March 26 and 31, April 28, 1760; January 9 and 20, 1761.
      Vol. XXIX; January 22 and 26, 1762; March 14 and 17, 1763.

2. It is natural for subjects to give lavishly when they have the power of refusal; for
   (*a*) Patriotism leads to lavish grants.
   (*b*) The desire for protection of property leads to lavish grants.
   (*c*) Prosperity leads to lavish grants.
   (*d*) The rivalry of parties for favors from the head of the government leads to lavish grants.
3. Even if America does not contribute greatly to English revenue by direct grants — she will contribute by her goodwill expressed in trade.

B. The argument that Burke's policy would result in a demand for a repeal of the trade laws is unfounded; for
1. This argument is based on mere conjecture; and
2. The avowed complaint of the colonies extends only to taxation without representation.

C. Even if the trade laws were repealed — this would not be injurious to England; for
1. The ministry has admitted that the trade laws are futile and useless; and
2. The only excuse for maintaining the useless trade laws is to safeguard a system of useless and mischievous tax laws.

D. The argument that concession of liberty in the matter of taxation will result in further concessions applying to all legislative authority exercised by Parliament is unfounded; for
1. Only in periods of excitement have the Americans demanded anything more than relief from taxation by Parliament; and

2. It is unfair to judge what they will do in a cool hour, by what they have done in the heat of excitement.
3. The Americans also are not likely to pursue a principle to all its logical conclusions against their own interest; for
   (*a*) They are like Englishmen; and
   (*b*) Englishmen have seldom pursued a principle for its own sake against their own interest.
4. When Americans have been granted freedom graciously by Parliament in one respect, they will be more likely to respect the authority and wisdom of its superintending legislation in other respects.

E. The argument that Burke's policy would destroy the unity of the empire is also unfounded; for
1. This unity does not demand that the English Parliament be the only legislative authority in the empire.
2. It demands only that the English Parliament be superior to other parliaments as in the case of Ireland; and
3. Since Ireland has had its parliament with the power of grant, no question has ever been raised about the unity of the empire.

F. The argument that Burke's policy would violate the Constitution because it is not founded on precedent is false; for
1. Throughout a century the British government has accepted grants from the colonial assemblies; and

2. The British government has uniformly accepted grants from the parliament in Ireland.

IV. No other policy would be more satisfactory than Burke's policy of conciliation; for

A. The policy of resorting to war would not be more satisfactory; for

1. Peace established by war is only temporary.
2. The outcome of war is always uncertain.
3. There is no example of success in ruling colonies by force of arms.
4. War would simply impair the value of the colonies to England.

B. A policy of further restrictive and punitive measures would not be more satisfactory; for

1. Such measures must aim either to remove the causes for the spirit of resistance among the colonists or to prosecute this spirit as criminal in its overt acts; and
2. Any attempt to remove the causes of this spirit would be either impracticable or inexpedient; for
   (*a*) The causes of this spirit are: the growing population of the colonies; their commerce and industry; their English descent; their popular governments; their Protestant religion in the North; their slave-system in the South; their legal education; and their remoteness from the mother country.
   (*b*) Any attempt to check their population would be either impracticable or inexpedient; for

(I′) If we refuse further land grants, the people will occupy without grants; and

(II′) If the people occupy without grants, they will become lawless; and

(III′) If they become lawless, they will eventually destroy our government in the colonies.

(*c*) Any attempt to destroy their commerce and industry would be inexpedient; for

(I′) Such an attempt would make the colonies useless to us; and

(II′) It might lead them to join our enemies to bring about our ruin.

(*d*) Nothing can be done to change their English descent.

(*e*) Any attempt to destroy their popular government would be impracticable; for

(I′) When the authorized government in Virginia was withheld, the colonists established their own government; and

(II′) When the same thing was done in Massachusetts, the people governed themselves without assistance.

(*f*) Any attempt to destroy their Protestant religion in the North would be impracticable; for

(I′) The mode of the Inquisition and dragooning has gone out of fashion even in the Old World.

(*g*) Any attempt to crush the high spirit of the South by liberating the slaves against their masters would be both impracticable and inexpedient; for

(I′) The slaves might not accept their freedom from us; for

(*A*′) They are often attached to their masters; and

(*B*′) They would suspect an offer of freedom from us; for

(1′) We sold them into slavery.

(II′) If we liberate the slaves against the colonists, the colonists may arm them against us.

(*h*) Any attempt to destroy their legal education would be impracticable; for

(I′) We cannot persuade them to burn their law books;

(II′) We cannot persuade them to banish their lawyers; and

(III′) We cannot persuade them to choose uneducated leaders.

(*i*) Nothing can be done to change the remoteness of the colonies from the mother-country.

3. Any attempt to prosecute the spirit of the colonies in its overt acts is either inapplicable or inexpedient; for

(*a*) It is impossible to apply ideas of ordinary criminal justice to a public contest; for

(I′) It is impossible to draw an indictment against a whole people; and

(II′) When one part of an empire claims a privilege from the head of the empire, it does not commit a crime; for

(*A*′) By claiming a right as a privilege, it expressly recognizes superior authority.

(III′) In this case we cannot act as ordinary judges; for

(*A*′) We are both judges and parties in the controversy.

(*b*) Under present circumstances, it would be inexpedient to resort to criminal proceedings; for

(I′) We have placed the colonists in a position resembling that of a hostile independent power, rather than that of rebellious subjects.

C. Lord North's compromise plan of taxation by quotas would not be more satisfactory; for

1. It will not restore peace; for

(*a*) It is a mere experiment; for

(I′) There is no precedent for it; for

(*A*′) It is not regular taxation by Parliament; and

(*B*′) It is not taxation by colony grant.

(*b*) It does not satisfy the complaints of the colonies; for

(I′) They demand exemption from taxation by Parliament.

(II′) This gives them taxation by Parliament in disguise; for

(*A'*) It provides that Parliament shall fix the total sum and the quotas to be raised.

(*B'*) This plan cannot guarantee even that Parliament will not interfere in the method chosen for raising taxes; for

(1') Parliament would never permit a colonial import duty on English manufactures.

(*c*) It will promote civil discord; for

(I') Lord North, himself, admits this.

(II') Each colony will struggle against every other colony to get an easier quota in the assignments made by Parliament; and

(III') If any colony refuses to pay its quota, then England must collect it by force of arms.

2. This experiment will prove fatal to the British Constitution; for

(*a*) It will establish a system of taxation by the ministry; for

(I') The House of Commons could not hear all the claims of the colonies about their proper quotas without giving up all other business.

3. This experiment will overwhelm the ministry with perplexing problems; for

(*a*) The quotas never can be settled permanently;

(*b*) Every alteration in quotas will require months of negotiation.

(*c*) If any colony refuses to pay its quota, then taxes must be laid by Parliament in such a way as to prevent injury to British trade; and

(*d*) In case of refusal also, new schemes for coercion must be invented.

4. This experiment will bring you no revenue; for

(*a*) It is based on taxation by imposition; and

(*b*) Taxation by imposition is not likely to succeed in remote countries; for

(I′) British experience with this form of taxation in Bengal has proved that it is not likely to succeed.

Conclusion

I. The Affirmative in this case has proved the following points:

A. Some change from the present policy of taxation is necessary to restore peace in America;

B. Burke's policy of conciliation would restore peace in America;

C. Burke's policy of conciliation would not introduce new and worse evils; and

D. No other policy would be more satisfactory than Burke's policy of conciliation.

II. The Affirmative maintains, therefore, that it has established the proposition:

A. That England should adopt Burke's policy of conciliation with the American colonies.

PART IV. MAKING THE PLEA

CHAPTER I

CONVICTION [1]

Preliminary Statement. — In the preceding main divisions of this text an attempt has been made: *First*, under the general title, *Beginning Principles*, to give the student sufficient theory to enable him to begin intelligently the practice of debate; *second*, under the general title, *Elements of Proof*, to give him a thorough understanding of all the elements of proof that must be used in debate; and *third*, under the general title, *Building the Case*, to show how these various elements of proof should be assembled into a case. The purpose of the *fourth* and last main division of the text must be, therefore, to set forth the principles governing the most effective presentation of a case under the general title, *Making the Plea*.

This part of the text will develop: *First*, the subject of conviction in debate; *second*, the subject of persuasion in debate; *third*, the subject of speech-composition in debate; and *fourth*, the subject of strategy in debate.

Importance of Conviction in Debate. — Conviction is one of the most important processes that must be used in debate; for the only object in debate is to create or destroy belief in a proposition; and this object may be accomplished only by means of the twofold process of conviction and persuasion.

[1] For lesson assignments on *Conviction*, see Appendix A.

Definition of Conviction and Persuasion. — Conviction is a process by which one is made to believe a proposition by seeing and understanding its truth; and persuasion is a process by which one is made to believe a proposition by feeling and appreciating its truth.

Conviction is a process that appeals to reason in order to get understanding; and persuasion is a process that appeals to the emotions in order to get action.

To be more specific: *Conviction* is a process by which the validity of all the proof in a case is made clear to the hearer; and *persuasion* is a process by which all the proof in a case is provided with interest and a motive for its acceptance.

Conviction is a process, therefore, that strives for clearness in proof, and persuasion is a process that strives to arouse interest and produce action.

Principles of Conviction. — The various means by which the process of conviction secures clearness for the proof in a case are embodied in the rhetorical principles of:

1. Unity;
2. Coherence; and
3. Emphasis.

Value of the Brief in Securing Conviction. — No better method for securing these qualities of unity, coherence, and emphasis in the preparation of a case can be devised, than the method of assembling proof in a brief according to the rules laid down for that subject in the preceding chapter;[1] because, in a carefully constructed brief, every phase of the case is kept as a distinct unit; the relation of each point in the proof to every other point is made clear, showing the coherence of the whole case; and every point deserving

[1] See pages 226–228.

emphasis is made conspicuous by the system of headings, subheadings, indentation, numbering, and lettering.

Inadequacy of the Brief for Securing Conviction. — Perfect clearness for the case should be secured by means of the brief, but unfortunately the brief cannot be used in debate for the presentation of the case. To present a case, the debater must rely upon a speech, delivered not in headings and subheadings, but in paragraphs embodying the substance of the headings and subheadings. Under the principles of conviction, therefore, the debater must learn how to preserve in his speech those qualities of unity, coherence, and emphasis, that have given clearness to his brief.

I. Unity

Value of Unity. — Because no man can think clearly on two problems at the same time, no quality in thought or composition is more valuable than *unity*. If a speech is to be perfectly clear, therefore, it must possess unity as a whole, unity in its main divisions, unity in its paragraphs, and unity in its sentences.

Unity of the Speech as a Whole. — The unity of an entire speech in debate consists in its having a single, central purpose that runs through every one of its parts. This single, central purpose is always to create or destroy belief in a definite proposition by making others see and feel its truth or its falsity.

To secure unity in an entire speech, a debater must choose a single proposition for its subject and then stick to this subject throughout the speech, allowing no deviation from the single, central purpose of creating or destroying belief in its truth. When the speech is complete, the debater him-

self may test it for unity by seeing whether each of its parts tends to make others either see or feel the truth or falsity of the proposition.

Tendencies in speech-making that destroy the unity of an entire speech are usually a desire on the part of the speaker to air his knowledge on other problems than the one specified in the proposition; to entertain his audience with irrelevant wit or flights of fancy; and to indulge in abuse of his opponents, praise of himself, or flattery of his audience. These tendencies, of course, betray a desire that is utterly foreign to the single, central purpose of creating or destroying belief in a definite proposition; and they must, therefore, be held in check; because they destroy the unity and the clearness of the speech as a whole.

Unity in the Main Divisions of the Speech. — The unity of the main divisions of a speech, like the unity of the speech as a whole, consists in each division's having a single, central purpose that runs through every one of its parts.

The single, central purpose of the *Introduction* must always be to make others see and feel the exact nature of the proposition that they are asked to believe or disbelieve, in its relation to all facts and circumstances associated with the case.

The single, central purpose of the *Discussion* must always be to make others see and feel the truth or falsity of the proposition by means of proof that connects the proposition with facts already within the knowledge or experience of the hearers.

The single, central purpose of the *Conclusion* must always be to make others see and feel the truth or falsity of the proposition by recapitulating the main points of the proof and by associating these main points with strong motives for their acceptance.

Under these three main divisions of a speech, the debater himself may test his work for unity by seeing whether every subordinate part contributes to the single, central purpose of the whole.

Unity in the Paragraphs of the Speech. — The unity of paragraphs within a speech is just as important as the unity of the speech as a whole and the unity of its main divisions; for the speech is nothing more than a series of paragraphs each of which develops or proves some subordinate proposition that helps the audience to see or feel the truth or falsity of the main proposition. If, therefore, the various paragraphs are not clear from lack of unity, the whole speech is likely to be confused.

To secure unity in the paragraphs of a speech, a debater should introduce or conclude each paragraph with a proposition that is developed or proved by the material within the paragraph itself.

Almost all such opening or closing sentences for paragraphs may be taken directly from the more important headings of the debater's brief.

Unity in the Sentences of the Speech. — A speech is composed, not only of a series of paragraphs, but also of a much longer series of sentences. Every idea in the speech must be expressed by some sort of sentence; and, hence, it is important that the sentences of a speech, like every other one of its component parts, should possess unity for the sake of clearness.

No sentence possesses unity and clearness, however, if it consists of a series of unrelated ideas connected by such words as *and* and *but*. To make sure, therefore, that each sentence in a speech possesses unity, a debater should take

pains to see that it contains but one idea, or several related ideas so that together they really make only one central idea.

II. Coherence

Value of Coherence. — The second quality of clearness that is necessary to conviction in a speech is the quality of *coherence*. This quality differs from unity, in that it has nothing to do with the singleness of purpose in the speech as a whole or in any of its parts; but has to do rather with the connections between its parts that make it cohere or hang together as a whole.

This quality is quite as important for clearness and conviction as is the quality of unity; for, no matter how admirable a speech may be from the standpoint of unity, if there is no apparent connection between its parts, it must fail in the end to make clear the truth or falsity of the proposition that serves as its subject.

General Requirements of Coherence. — The quality of coherence in a speech is one that demands: *First*, a logical sequence in the arrangement of the various parts of the speech; and *second*, the use of proper transitions to indicate the connection between these parts.

Value of Sequence for Coherence. — Unless all the different parts of a speech follow easily and naturally from what precedes, then the speech as a whole cannot hang together. Coherence in a speech demands, therefore, a logical sequence in the arrangement of all its parts.

Laws of Sequence for Coherence. — This logical sequence may be established to a great extent by the order of points as they appear in a brief; but, since some deviation from

this order is often desirable, it is important that the student should know some of the general laws of logical sequence.

These laws may be considered under the following titles:

1. Sequence from More Familiar to Less Familiar;
2. Sequence of Time;
3. Sequence of Points from Definition; and
4. Sequence of Points from a Chain of Reasoning.

Sequence from the More Familiar to the Less Familiar. — A sequence of points from the more familiar to the less familiar always characterizes a speech as a whole when it is arranged so that it has a distinct Introduction, Discussion, and Conclusion.

This sequence, also, always characterizes a good Introduction; and may under some circumstances characterize the Discussion.

According to this sequence, a speech arranged in the old classical fashion will contain the following main divisions and subdivisions:

I. *Introduction*
   - *A.* Appeal for Interest in the General Problem
   - *B.* Narration of Facts Giving Rise to the Problem
   - *C.* Statement of Proposition Alleged to Solve Problem
   - *D.* Definition of Proposition as It Applies to the Problem
   - *E.* Exclusion of Irrelevant, Admitted, and Waived Matter from Consideration in Problem
   - *F.* Partition of Problem in Points Demanding Proof

II. *Discussion*
   - *A.* Constructive Proof of Proposition for Solution of Problem

B. Refutation Necessary for Solution of Problem

III. *Conclusion*

A. Summary of Proof for Solution of Problem

B. Appeal to Motives for Accepting Proof to Solve Problem

In the outline of parts given above, the sequence of points in the Introduction is very obviously from the more familiar to the less familiar; and this same sequence may be followed in the Discussion, if evidence is presented before any conclusion is derived from it; but the more usual sequence for the Discussion is the reverse order in which a conclusion or main point is stated before the evidence applying to it.

A sequence from the more familiar to the less familiar within the Discussion, that is, from the evidence to the main points, is employed usually only when there is great hostility to the proposition in the audience, which makes necessary a gradual leading-up to the proposition throughout the whole speech.

Sequence of Time. — A *second* type of sequence that may be adopted for the arrangement of ideas in a speech is a sequence according to time; that is, a sequence that arranges facts in the order of their occurrence from past to present to future; or *vice versa*, from future to present to past.

This sequence is one that lends itself particularly to Narration, which must be used in the Introduction; but it is equally valuable in Description, which must be used, also, at times, not only in the Introduction, but in other parts of the speech as well.

The sequence of time in Description demands a presentation of ideas concerning objects according to the order in which the eye, or other senses, would discover them. This

order is usually either from large details to small details; or from near details to distant details, or *vice versa*. If, to describe an object, a person must assume various points of view, then these points of view will be arranged, also, as the person would naturally progress from one to another.

Sequence of Points from a Definition. — A *third* common type of sequence that may be adopted in a speech is a sequence of points according to the way in which these points are suggested by the different parts of a definition.

This type of sequence is particularly valuable in Exposition, which must be used in the Introduction of a speech, and also in the proof of categorical propositions of fact.[1]

An illustration of this sequence may be given in the order of points that would be used to prove a charge of burglary. The term *burglary* means breaking and entering at night the dwelling house of another with felonious intent. The order of points suggested by this definition would be: *First*, that a person broke; *second*, that he entered; *third*, that he broke and entered at night; *fourth*, that he broke and entered at night into a house; *fifth*, that the house was a dwelling; *sixth*, that it was the dwelling of another; and *seventh*, that the breaking and entering was done with felonious intent.

Sequence of Points from a Chain of Reasoning. — The *fourth* common type of sequence that may be adopted in a speech is a sequence of points as they appear in the various chains of reasoning in a brief. This sequence may be either according to the way a person would run down the chain from the main point to the evidence or according to the way in which he would run up the chain from the evidence to the main point.

[1] See pages 20–21, 77–78.

In running down a chain of reasoning,[1] material would be arranged in the following order:

Burke's policy of conciliation would restore peace in America; for it admits the colonies to an interest in the British Constitution; inasmuch as it gives them the privilege of taxation by grant; and, whenever the policy of admitting peoples to an interest in the British Constitution has been adopted, it has produced peace.

An example of the effect of admitting people to an interest in the British Constitution is found in the case of Ireland; for, before the privilege of taxation by grant was bestowed on the whole of Ireland, the English tried without success for five hundred years to subdue the island; but, since this privilege was bestowed, Ireland has become pacified.

This same material, if arranged according to the way a person would run up a chain of reasoning, would appear as follows:

For five hundred years before England gave the whole of Ireland the privilege of taxation by grant, she tried without success to subdue the island; but since she has bestowed this privilege, Ireland has become pacified. The bestowal of this privilege was merely an admission of the people of Ireland to an interest in the British Constitution; and hence, it may be said that Ireland was pacified by being admitted to an interest in the British Constitution.

Ireland presents only one instance of this effect of admitting people to an interest in the British Constitution; but it is also true that, whenever this policy has been adopted, it has brought peace as a result. If, therefore, we admit the colonies to an interest in the British Constitution by

[1] See pages 31–33, 235–236.

giving them the privilege of taxation by grant, they too will be pacified. This is exactly what Burke's policy of conciliation proposes to do; and, hence, there is no doubt that Burke's policy would restore peace in America.

Value of Transitions for Coherence. — A logical sequence of thought in a speech is absolutely essential for coherence; but when this sequence has been established, then the coherence of the speech may be greatly increased, if each of its parts is connected with what precedes by a transitional sentence, phrase, or word that shows the nature of the connection. To produce perfect coherence in a speech, these transitional sentences, phrases, or words should be used to introduce each successive main division of the speech and each of its subordinate parts.

Transitions to Introduce Main Divisions of a Speech. — The transitions that are employed to introduce main divisions of a speech usually take the form of a partition,[1] or a summary, or a summary and a partition combined.

The use of the *partition* as a transition from the Introduction to the Discussion of a speech may be illustrated from Burke's speech on *Conciliation*. In this speech, the Introduction ends, and the Discussion begins, with this sentence in the form of a partition:

"The capital leading questions on which you must this day decide are these two: *First*, whether you ought to concede; and *second*, what your concession ought to be." [2]

The use of the *summary* as a transition from the Discussion to the Conclusion may also be illustrated from Burke's speech; for, after maintaining in the Discussion that England can never obtain a revenue from America by Parlia-

[1] See pages 215, 217, 234–235.

[2] See Bradley's *Orations and Arguments*, p. 7.

mentary taxation, Burke enters upon his Conclusion with these sentences in the form of a summary:

"For that service — for all service, whether of revenue, trade, or empire — my trust is in her interest in the British Constitution. My hold of the Colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection." [1]

The use of *the summary and the partition* combined, as a transition from one main point in the Discussion to another main point, may be illustrated from Burke's speech again; for in this speech he makes the following summary and partition as a very marked transition:

"If, then, the removal of the causes of this spirit of American liberty be for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable — or, if applicable, are in the highest degree inexpedient; what way yet remains? No way is open but the third and and last, — to comply with the American spirit as necessary; or, if you please, to submit to it as a necessary evil.

"If we adopt this mode, — if we mean to conciliate and concede, — let us see of what nature the concession ought to be. To ascertain the nature of our concession, we must look at their complaint. The Colonies complain that they have not the characteristic mark and seal of British freedom. They complain that they are taxed in a Parliament in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint." [2]

Transitions to Introduce Subordinate Parts of a Speech. — Not only should the main divisions of a speech be tied together by transitional sentences, phrases, or words in order

[1] See Bradley's *Orations and Arguments*, pp. 71–72.

[2] See Bradley's *Orations and Arguments*, p. 35.

to produce perfect coherence; but so should all the subordinate parts as well. Every paragraph and every sentence, as far as possible, should be joined to what precedes with some appropriate transition.

The transitions for these subordinate parts will seldom be so long and formal as the partitions and summaries for the main divisions; and yet, in all instances, they should indicate clearly the nature of the connection that exists between the parts. This connection is often shown merely by the use of nouns and pronouns that pick up and carry on the thought of the preceding part; but even more frequently it is shown by the use of coördinate and subordinate conjunctions and various adverbial phrases.

The greatest fault in transitions, however, against which every speaker should constantly be on guard is the monotonous repetition of the coördinate conjunctions, *and*, *but*, and *or*. To avoid this fault, therefore, the speaker should use as frequently as possible such subordinate conjunctions and adverbial phrases as:

For, *since*, *because*, and *inasmuch as*; *on this account*; *thereby*; *hence*, *thus*, and *therefore*; *so that* and *in order to*; *namely*, *such as*, *to illustrate*, *for example*, and *as follows*; *of course*, *though*, *although*, and *even though*; *moreover*, *yet*, *however*, and *nevertheless*; *similarly*, *whereas*, *on the contrary*, *by contrast*, *in spite of*, *not only . . . . but also*, *not that . . . . but rather*, *on the one hand . . . .* and *on the other hand*.

III. Emphasis

Value of Emphasis. — The third quality of clearness that is necessary to conviction in a speech is the quality of *emphasis*. This quality differs from unity and coherence, in that it has nothing to do with the singleness of purpose

in the speech as a whole or in any one of its parts; and it has nothing to do with connections between the various parts of a speech that make it hang together; but emphasis has to do, rather, with keeping constantly before the minds of the audience the main points on which the controversy should be decided.

This quality is just as important for clearness and conviction as is either unity or coherence; for no matter how clear and distinct the various parts of a speech are made, and no matter how easily and naturally these parts are connected with one another, unless the more important parts command more attention than others, the clearness of the speech as a whole will be lost in a wilderness of detail.

Different Methods of Emphasis. — The purpose of emphasis in a speech is to keep constantly before the minds of an audience the main points in controversy. To accomplish this purpose, many different methods of emphasis are used: namely, —

1. Emphasis by Position;
2. Emphasis by Space;
3. Emphasis by Striking Phraseology;
4. Emphasis by Iteration;
5. Emphasis by Climax; and
6. Emphasis by Suspense.

Emphasis by Position. — The first and last words of a speaker are always those that command the most attention from an audience; and, hence, the *first* law of emphasis, applying to all parts of a speech — to its main divisions, its paragraphs, and its sentences — is that important points should be placed at the beginning and at the end; whereas, less important points should be placed in the middle. This method of emphasis is called *emphasis by position.*

Emphasis by Space. — The *second* method of emphasis that may be employed in a speech is called *emphasis by space.* This method of emphasis is one that calls attention to the importance of a point by the space given to its consideration. The more important a point is, the more space, of course, should be given to its consideration.

In order to extend the space given to the consideration of a point, the speaker may state its importance, explain its exact nature, distinguish it from other points, support it with proof, and destroy whatever proof may be advanced against it.

Emphasis by Striking Phraseology. — The *third* method of emphasis that may be employed in a speech is called *emphasis by striking phraseology.* This method consists in making vivid the main point, or points, of a speech, by reducing them to short, crisp, figurative expressions that may be easily remembered and frequently repeated.

Countless illustrations of this method of emphasis may be found in the speeches of great orators. Burke, for example, used this method in his speech on *Conciliation* when he referred continually to Lord North's plan as a scheme of "*ransom by auction.*"

Rufus Choate used this method in the trial of a case involving marine insurance when he said of a vessel: "She went down the harbor a painted and perfidious thing — *a coffin, but no ship.*"

Disraeli used this method when, as leader of the minority in the House of Commons, he said: "As I gazed over at the Treasury Bench and viewed the row of exhausted champions of this measure, I was reminded of a marine landscape not unusual along the coast of South America: you behold a *range of extinct volcanoes!*"

Lincoln used this method in his speech at Springfield, Illinois, when he quoted from the Scriptures saying: "*A house divided against itself cannot stand.*"

And William J. Bryan used this method in his speech before the Democratic Convention at Chicago in 1896, when he said: "You shall not press down upon the brow of labor *this crown of thorns;* you shall not crucify mankind upon *a cross of gold.*"

Emphasis by Iteration. — The *fourth* method of emphasis that may be employed in a speech is called *emphasis by iteration.* This method consists in repeating some important word, phrase, sentence, or thought, over and over again, in such a way as to impress it on the memory of even the dullest person.

Henry Clay, for example, used this method in his speech on his *Compromise Measure* of 1833, when he said:

"I have been accused of *ambition* in presenting this measure — *ambition,* inordinate *ambition.* If I had thought of myself *only,* I should never have brought it forward. I know well the perils to which I expose myself; the risk of alienating faithful and valued friends, with but little prospect of making new ones, if any new ones could compensate for the loss of those who have been long tried and loved; and the honest misconception both of friends and foes. *Ambition?* If I had listened to its soft and seducing whispers; if I had yielded myself to the dictates of a cold, calculating, and prudential policy, I would have stood still and unmoved. I might even have silently gazed on the raging storm, enjoyed its loudest thunders, and left those who are charged with the care of the vessel of state to conduct it as they could. . . .

"Yes, I have *ambition:* but it is the *ambition* of being the humble instrument, in the hands of Providence, to reconcile

a divided people; once more to revive concord and harmony in a distracted land, — the pleasing *ambition* of contemplating the glorious spectacle of a free, united, prosperous, and fraternal people!" [1]

This method was also used by William J. Bryan in his famous *Cross of Gold Speech*, when he said:

"We say to you that you have made the definition of a *business man* too limited in its application. The man who is employed for wages is as much a *business man* as his employer; the attorney in a country town is as much a *business man* as the corporation counsel in a great metropolis; the merchant at the cross-roads store is as much a *business man* as the merchant of New York; the farmer who goes forth in the morning and *toils* all day — who begins in the spring and *toils* all summer — and who by the application of brain and muscle to the natural resources of the country creates wealth, is as much a *business man* as the man who goes upon the board of trade and bets upon the price of grain; the miners who go down a thousand feet into the earth, or climb two-thousand feet upon the cliffs, and bring forth from their hiding places the precious metals to be poured into the channels of trade are as much *business men* as the few financial magnates who, in a back room, corner the money of the world. We come to speak for this broader class of *business men*." [2]

Emphasis by Climax. — The *fifth* method of emphasis that may be employed in a speech is called *emphasis by climax*. This method consists in arranging a series of points according to their increasing importance, and, thereby, des-

[1] *Select Orations* (Macmillan), pp. 163–165.
[2] *Select Orations* (Macmillan), p. 268.

ignating the final point in the series as the most important of all.

This method of emphasis, combined with that of iteration, was used most ably by Edmund Burke in the following powerful quotation taken from the conclusion of his speech at the impeachment of Warren Hastings. In this speech, Burke said:

"Therefore, it is with confidence that, ordered by the Commons,

"I impeach Warren Hastings, Esquire, of high crimes and misdemeanors.

"I impeach him in the name of the Commons of Great Britain, in Parliament assembled, whose parliamentary trust he has betrayed.

"I impeach him in the name of the Commons of Great Britain whose national character he has dishonored.

"I impeach him in the name of the people of India, whose laws, rights, and liberties he has subverted; whose properties he has destroyed; whose country he has laid waste and desolate.

"I impeach him in the name and by virtue of those eternal laws of justice which he has violated.

"I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed, in both sexes, in every age, rank, situation, and condition of life." [1]

Emphasis by Suspense. — The *sixth* and last method of emphasis that may be used in a speech is called *emphasis by suspense*. This method consists in withholding an important point, through a long succession of clauses, sentences, or even paragraphs, in order to stimulate curiosity and thereby fix attention upon what is being withheld.

[1] *Select Orations* (Macmillan), p. 93.

When this method is used within a single sentence, an important word, or phrase, or clause that is necessary to complete the meaning is reserved to the very end. Such a sentence is called *a periodic sentence;* and is illustrated by the following example taken from the speech by Daniel O'Connell on the *Irish Disturbance Bill:*

"If ever I doubted before of the success of our agitation for repeal, this bill, — this infamous bill, — the way in which it has been received by the House; the manner in which its opponents have been treated; the personalities to which they have been subjected; the yells with which one of them has this night been greeted, — *all* these things dissipate my doubts, and tell me of its complete and early triumph." [1]

Another illustration of this type of sentence may be found in Henry Clay's speech on *America's Duty to Greece*, when he said:

"What appearance, sir, on the page of history, would a record like this make: 'In the month of January, in the year of our Lord and Saviour 1824, while all European Christendom beheld, with cold, unfeeling apathy, the unexampled wrongs and inexpressible misery of Christian Greece, a proposition was made in the Congress of the United States — almost the sole, the last, the greatest repository of human hope and of human freedom, the representatives of a nation capable of bringing into the field a million of bayonets — while the freemen of that nation were spontaneously expressing its deep-toned feeling, its fervent prayer, for Grecian success; while the whole continent was rising, by one simultaneous motion, solemnly and anxiously supplicating and invoking the aid of heaven to spare Greece, and to invigorate

[1] *Select Orations* (Macmillan), p. 100.

her arms; while temples and senate-houses were all resounding with one burst of generous sympathy; in the year of our Lord and Saviour, — that Saviour alike of Christian Greece and of us, — a proposition was offered in the American Congress to send a messenger to Greece, to inquire into her state and condition, with an expression of our good wishes and our sympathies, — and it was rejected!" [1]

And still another good illustration of this type of sentence may be found in the following quotation from Lord Macaulay's speech on the *Reform Bill:*

"Now, therefore, while everything, at home and abroad forebodes ruin to those who persist in a hopeless struggle against the spirit of the age; now, while the crash of the proudest throne of the Continent is still resounding in our ears; now, while the roof of a British palace affords an ignominious shelter to the exiled heir of forty kings; now, while we see on every side ancient institutions subverted, and great societies dissolved; now, while the heart of England is still sound; now, while old feelings and old associations retain a power and a charm which may too soon pass away; now, in this your accepted time, now, in this your day of salvation, take counsel, not of prejudice, not of party spirit, not of the ignominious pride of a fatal consistency, but of history, of reason, of the ages which are past, of the signs of this most portentous time." [2]

Emphasis by a Combination of Methods. — In the illustrations of the different methods of emphasis given, pp. 258–265, it will be noticed that these methods are not mutually exclusive, but that one may be used to supplement the others.

[1] *Select Orations* (Macmillan), pp. 161–162.

[2] Bradley, *Orations and Arguments* (Allyn & Bacon), p. 270.

An excellent illustration of all these methods combined may be found in Burke's definition of his policy in the speech on *Conciliation.* This illustration is given below:

"The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord fomented, from principle, in all parts of the Empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking of shadowy boundaries of a complex government. It is simple peace; sought in its natural course, and in its ordinary haunts. It is peace sought in the spirit of peace, and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring the former unsuspecting confidence of the Colonies in the Mother Country, to give permanent satisfaction to your people; and (far from a scheme of ruling by discord) to reconcile them to each other in the same act and by the bond of the very same interest which reconciles them to British government." [1]

Table of Means for Securing Conviction. — For the purpose of enabling the student to see at a glance all the different means for attaining conviction, the following table is inserted:

I. *Conviction*
  A. *To Make Clear the Validity of Proof*
    1. By Means of the Brief
    2. By Means of Rhetorical Qualities
      (*a*) *Unity*
        (I′) Unity in the Speech as a Whole
        (II′) Unity in the Main Divisions
        (III′) Unity in the Paragraphs
        (IV′) Unity in the Sentences

[1] Bradley, *Orations and Arguments,* p. 5.

(*b*) *Coherence*
- (I′) *Sequence*
  - (*A′*) More Familiar to Less Familiar
  - (*B′*) Time
    - (1′) Large to Small
    - (2′) Near to Far
    - (3′) Natural Progression from one Point of View to Another
  - (*C′*) Points from Definition
  - (*D′*) Points from Chain of Reasoning
- (II′) *Transitions*
  - (*A′*) For Main Divisions
    - (1′) Partition
    - (2′) Summary
    - (3′) Summary and Partition
  - (*B′*) For Subordinate Parts
    - (1′) Nouns and Pronouns Referring Backwards
    - (2′) Conjunctions and Adverbial Phrases

(*c*) *Emphasis*
- (I′) Position
- (II′) Space
- (III′) Striking Phraseology
- (IV′) Iteration
- (V′) Climax
- (VI′) Suspense

Summary of the Subject of Conviction. — To create or destroy belief, a debater must employ both conviction and persuasion. The process of conviction, therefore, is one with which every debater should be familiar. He should know:

First, that conviction is a process used in speech-making to make clear the validity of proof; *second*, that the clearness of proof should always be at its height in the brief; and *third*, that the clearness of the brief can be carried over into the speech only through observing the principles of unity, coherence, and emphasis.

CHAPTER II

PERSUASION[1]

Importance of Persuasion. — "You can lead a horse to water, but you cannot make him drink." No statement illustrates better than this the necessity of adding persuasion to conviction in order to accomplish the purpose of debate. By conviction, we may lead a person to see the truth of a proposition, but only by persuasion may we lead him to embrace it as a firm belief on which to base his conduct. Persuasion, therefore, is an invaluable aid to conviction; and, as such, is one of the most important processes in the art of debate.

Definition of Persuasion. — *Persuasion* is a process by which one is made to believe a proposition by feeling and appreciating its truth.[2]

To be more specific: It is a process by which all the proof in a case is provided with interest and a motive for its acceptance.

Relation of Persuasion to Conviction. — Persuasion prepares the way for conviction, and then enforces its conclusion. Persuasion, however, should not be regarded as a process that is kept separate from conviction; for, in all instances, it should accompany conviction step by step throughout a speech.

[1] For lesson assignments on *Persuasion*, see Appendix A.

[2] See pages 4–5.

Places of Marked Persuasion in a Speech. — The places in a speech where the process of persuasion is always most marked are at the beginning and at the end. At the beginning, persuasion always serves to provide interest in the subject; and, at the end, it always serves, through touching various motives, to produce action; that is, to produce the acceptance of the proof and any other action that naturally follows from this acceptance.

Methods of Persuasion. — Persuasion is a process by which one is made to feel the truth of a proposition. To produce this feeling of truth, it relies on various methods, which are:

1. To inspire confidence in, and respect for, the personality of the speaker;
2. To bring the subject of controversy vividly within the experience of the hearers; and
3. To associate the proposition with motives among the hearers that will lead to its acceptance.

Methods of Inspiring Confidence and Respect. — The methods by which a speaker may inspire confidence and respect for his personality among his hearers are many and varied. It would be impossible to enumerate them all; but they may be divided roughly into those that make an indirect appeal, and those that appeal more directly.

The methods of making an *indirect persuasive appeal* through one's personality are by means of displaying the following qualities:

1. Uprightness;
2. Earnestness;
3. Modesty;
4. Tact;

5. Dignity;
6. Humor;
7. Intellectuality;
8. Calmness; and
9. Aggressiveness.

The methods of making a *direct persuasive appeal* through one's personality are by:

1. Vindication of One's Self;
2. Attack on Character of One's Opponents;
3. Acknowledgment of Favors; and
4. Tactful Praise of the Audience.

I. Persuasion through Personality by Indirect Appeal

Persuasion through Uprightness. — The value of *uprightness* as a trait of personal character inspiring confidence and respect hardly needs to be stated; but the proper methods of impressing this quality upon an audience may need explanation.

It goes without saying, of course, that the speaker must have a good reputation and that he must not be detected in any falsehood or double-dealing; but in addition to being actually upright, he must also act the part; that is, he must appear to be so.

The appearance of uprightness, he never can have as a speaker if he slouches before an audience or refuses to look them steadily in the eye. To gain the appearance of uprightness, therefore, in order to inspire confidence and respect, the speaker should stand erect before his audience, firmly planted on both feet, with shoulders squared, and an eye that never leaves the eyes of his hearers.

Persuasion through Earnestness. — The *second* quality in personality that inspires confidence and respect is the quality of *earnestness*. This quality is one that the actor may feign; but one that the debater should never feign. He should actually feel it.

For a debater to possess this quality, he cannot be indifferent to the outcome of a debate; he must set his whole heart on establishing his side of the case; and for the time being, at least, no question in the world can be of more importance to him than the question under discussion.

Different people, of course, express their earnestness in various ways, some by becoming nervous, others by shouting and bellowing, and still others by stamping, pounding, and gesticulating. Unless the speaker feels impelled to do some of these things, he is not tremendously in earnest. These impulses are all signs of real earnestness; but the debater should always hold them in check; for unrestrained earnestness will becloud his reasoning powers, which, after all, are of the greatest importance. The debater, therefore, should not stamp, and pound, and bellow to express his earnestness; but should rather cultivate a few forceful gestures that he may use without premeditation, and a quiet, earnest tone that betokens a wonderful reserve power which he seldom uses and seldom needs to use.

Persuasion through Modesty. — The *third* quality in personality that inspires confidence and respect is the quality of *modesty*. This quality demands the absolute elimination of all egotism, vanity, strut, and condescension in the appearance of the speaker; for, whenever these qualities appear in the place of modesty, they create almost immediately a feeling toward the speaker of hostility, contempt, or ridicule.

A truly modest person never needs to be concerned about this quality; but the man who suspects that he is egotistical, vain, strutting, and condescending, should regard these qualities as an almost fatal handicap to his success; and he should seek in every way to cultivate the quality of real modesty.

The cultivation of modesty, however, always begets the danger of producing false modesty; and, in most instances, false modesty is even more unbearable than egotism. The quality of modesty, therefore, ought to be inborn, or ought to be cultivated so that it becomes part of one's second nature; and almost never should it be feigned, for only the most consummate actor can play the part of assumed modesty without detection.

Persuasion through Tact. — The *fourth* quality in personality that inspires confidence and respect is *tact.* This quality is one that leads the speaker never to be flippant with his audience, never to outrage their feelings of propriety, never to ridicule what they consider sacred, never to fly needlessly in the face of their prejudices, never to taunt them for their ignorance, and in general never to overstep the bounds of gentlemanly conduct.

Persuasion through Dignity. — The *fifth* quality in personality that inspires confidence and respect is *dignity.* This quality in a speaker is one that has nothing to do with stiff-necked prudishness, funereal somberness, affected mannerism, or icy formality; but is a quality rather that consists merely in self-respect and respect for the occasion that calls forth the speech.

This quality is usually made manifest in the speaker by his refusal to indulge in the antics of a clown or the ravings of a madman, and by his careful avoidance of all coarseness and vulgarity.

Persuasion through Humor. — The *sixth* quality in personality that inspires confidence and respect is *humor*. This quality in a speaker calls forth confidence and respect, because it displays a keenness and quickness of mind that seem to qualify the speaker for any emergency.

This quality is too often lacking among speech-makers and among debaters particularly, to their own great detriment; and, hence, it should be encouraged in every possible way. To cultivate humor, a speech-maker or debater should have on hand, whether he uses them or not, one or more appropriate anecdotes for every occasion; he should never miss an opportunity for repartee; he should practice continually the method of refutation by *reductio ad absurdum* so as to bring out ludicrous consequences; and he should train himself most carefully in the use of irony by speaking in opposites.

When humor is brought into a debate, however, three cautions must be observed: *First*, every joke must be appropriate, and must not be given merely for its own sake; *second*, humor should almost never take the form of personal jibes except when this is justified as a retort; and *third*, humor should almost never be allowed to dominate an entire speech.

Persuasion through Intellectuality. — The *seventh* quality in personality that inspires confidence and respect is *intellectuality*. This quality consists in giving the impression of wide learning and special training within the field of the subject for discussion.

This quality may be feigned by a good actor, but the best practice for a debater is actually to possess it. In order to cultivate this quality, a debater should make himself so familiar with every detail of every case that he will be able

to speak without hesitation in the technical terms appropriate to the case; and so that he will be able on a moment's notice to cite any authorities that are required, produce any facts or figures that may be necessary, and meet whatever points may be advanced against him.

Persuasion through Calmness. — The *eighth* quality in personality that inspires confidence and respect is *calmness*. This quality consists in never becoming ruffled by attacks on one's personality, character, or reputation; and in never appearing to realize that a damaging point has been raised against one's own case. This quality demands that a debater shall never lose his temper, and shall never become unduly excited, so that he loses his power of perfectly clear thinking. If a debater always remains calm under the most trying circumstances, nothing can inspire greater confidence in him and respect for him among his hearers.

Persuasion through Aggressiveness. — The *ninth* and last quality in personality that inspires confidence and respect is *aggressiveness*. A debate is essentially a conflict; and a debater must, therefore, be a fighter. If he continually retreats and evades his opponent, he cannot inspire either confidence or respect; but if, through aggressiveness, from start to finish in a debate, he continually seeks to establish contact with his opponent, and to destroy him root and branch, he then inspires the utmost confidence and respect that can be expected from his hearers.

II. Persuasion through Personality by Direct Appeal

Persuasion through Personality by Direct Appeal. — In the preceding paragraphs, methods of making an indirect

persuasive appeal through one's personality have been considered. Now, four other methods of making a more direct persuasive appeal through one's personality must be considered. These methods are:

1. Vindication of One's Self;
2. Attack on Character of One's Opponent;
3. Acknowledgment of Favors; and
4. Tactful Praise of the Audience.

Persuasion through Vindication of One's Self. — The *first* method of persuasion, through personality, by direct appeal, is by means of *vindicating one's self* against any personal attacks that have been made upon one. This method is absolutely necessary whenever damaging statements have been made against a speaker, in order that the confidence and respect of the audience for him may be restored.

An excellent illustration of the use of this method is found in the following paragraphs with which Webster opened his speech in the *White Murder Case:*

"I am little accustomed, Gentlemen, to the part which I am now attempting to perform. Hardly more than once or twice has it happened to me to be concerned on the side of the government in any criminal prosecution whatever; and never, until the present occasion, in any case affecting life.

"But I very much regret that it should have been thought necessary to suggest to you that I am brought here to 'hurry you against the law and beyond the evidence.' I hope I have too much regard for justice, and too much respect for my own character, to attempt either; and were I to make such attempt, I am sure that in this court nothing can be carried against the law, and that gentlemen, intelligent and just as you are, are not by any power to be hurried beyond

the evidence. Though I could well have wished to shun this occasion, I have not felt at liberty to withhold my professional assistance, when it is supposed that I may be in some degree useful in investigating and discovering the truth respecting this most extraordinary murder. It has seemed to be a duty incumbent on me, as on every other citizen, to do my best and my utmost to bring to light the perpetrators of this crime. Against the prisoner at the bar, as an individual, I cannot have the slightest prejudice. I would not do him the smallest injury or injustice. But I do not affect to be indifferent to the discovery and the punishment of this deep guilt. I cheerfully share in the opprobrium, how great soever it may be, which is cast on those who feel and manifest an anxious concern that all who had a part in planning, or a hand in executing, this deed of midnight assassination, may be brought to answer for their enormous crime at the bar of public justice." [1]

Persuasion through Attack on Character of One's Opponent. — The *second* method of persuasion, through personality, by direct appeal, is by means of *attacking the character of one's opponent.* This method used to be one in great favor with ancient rhetoricians, and is still the favorite weapon of modern demagogues; but it very obviously involves the fallacy of *argumentum ad hominem*, and usually makes debating cheap and vulgar. This weapon of persuasion should never be used except in retort and then only as a last resort when it is no longer possible to exclude personalities from the dispute.

This method, of course, is used to inspire confidence and respect for a speaker by contrasting his superior moral qualities with those of his opponent, or by showing at least

[1] Shurter, *Masterpieces of Modern Oratory*, pp. 65–66.

that he is no worse than his opponent in respect to moral character.

An excellent illustration of the use of this method is found in the following paragraphs taken from the Introduction of the speech by Seargeant S. Prentiss in defense of Judge Wilkinson:

"I have made these remarks," he said, "because I fear that a similar spirit still actuates that portion of this prosecution, which is conducted, not by the State, but by private individuals.

"I am not aware that the commonwealth of Kentucky is incapable of vindicating her violated laws, or unwilling to prosecute and punish the perpetrators of crime. The district attorney has given ample proof that she is provided with officers fully capable for asserting her rights and protecting her citizens; and with the exception of one or two remarks, which fell from him inadvertently, I accord to his observations my most unqualified approbation: he has done equal justice to the State and the defendants; he has acquitted himself ably, honorably, and impartially. But, gentlemen, though the State is satisfied, the prosecutor is not. Your laws have spoken through their constituted agent; now private vengeance and vindictive malice will claim to be heard. One of the ablest lawyers of your country, or of any country, has been employed to conduct the private part of this prosecution; employed, not by the commonwealth, but by the real murderer; him, whose forehead I intend, before I am done, to brand with the mark of Cain — that in after life all may know and all may shun him. The money of the prosecutor has purchased the talent of the advocate; and the contract is, that blood shall be exchanged for gold. The learned and distinguished gentleman to

whom I allude, and who sits before me, may well excite the apprehension of the most innocent. If rumor speak truth, he has character sufficient, even though without ability, and ability sufficient, even without character, to crush the victims of his purchased wrath." [1]

Persuasion through Acknowledgment of Favors. — The *third* method of persuasion, through personality, by direct appeal, is by means of *acknowledging favors*. This method of persuasion creates confidence and respect for the speaker by displaying his honorable qualities in the recognition of his indebtedness to his opponents and to his audience for their fairness and their courtesy.

An excellent illustration of the use of this method is found in the following paragraph with which James T. Brady, in 1861, introduced his speech in defense of the so-called Savannah Privateers, who, when fighting for the South, were captured on the high seas and charged with piracy. In this paragraph, Brady said:

"May it please the Court, — Gentlemen of the Jury: — I feel quite certain that all of you are much satisfied to find that this important trial is rapidly drawing to a close; and I think it would be unbecoming in me, as one of the counsel for the accused, to proceed a step farther in my address to you without acknowledging to the court the gratitude which we feel for their kindness in hearing so largely discussed the grave legal questions involved in this controversy; to the jury, for their unvarying patience throughout the investigation; and to our learned opponents, for the frank and open manner in which the prosecution has been conducted. Our fellow-citizens at the South — certainly that portion of them who cherish affection for this part of the Union —

[1] Snyder, *Great Speeches by Great Lawyers*, p. 91.

will find in the course of this trial most satisfactory evidence that respect for law, freedom of speech, freedom of discussion, liberty of opinion, and the rights of all our countrymen, here exist to the fullest extent. All of us have heretofore been connected with interesting and exciting trials. I am warranted in saying that, considering the period at which this trial has occurred, and all the facts and circumstances attending it, the citizens of New York have reason to be proud that such a trial could proceed without one word of acerbity, without one expression of angry feeling, or one improper exhibition of popular sentiments." [1]

Persuasion through Tactful Praise of the Audience. — The *fourth* and last method of persuasion, through personality, by direct appeal, is by means of *tactful praise of the audience*. This method is one that inspires confidence and respect for the speaker by displaying his keenness in seeing the unusual virtues of his audience. This method sometimes involves genuine praise, at other times shrewd flattery, and at still other times flattery that is quite apparent.

The debater should, of course, employ this method; but always with extreme caution. Either his praise should be absolutely genuine; or his flattery should be delicate, involving suggestion rather than outright statements; and in either case restraint should be sought, for otherwise the impression on the audience will be, as it was expressed by the Queen in Shakespeare's *Hamlet:* "The lady doth protest too much, methinks." [2] This method of persuasion consists in making love to the audience; and should not, therefore, be used with too much protestation, lest its insincerity be made too apparent.

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[1] *Great Speeches by Great Lawyers*, p. 346.

[2] *Hamlet*, Act III, Sc. ii.

Clever ways of using this method of persuasion are to suggest continually that the audience is too shrewd to be deceived by any trickery; that the audience is too noble to have any low or selfish motives; that the audience is too broad-minded to have any narrow prejudices; and that the audience is too well informed to be ignorant of any stray fact of general information.

An excellent illustration of the use of this method is found in the following paragraphs taken from the same speech that has been used previously as a source of quotations: namely, the speech of Seargeant S. Prentiss in defense of Judge Wilkinson. In the Introduction to this speech, Prentiss said:

"The defendants are particularly fortunate in being tried before such a tribunal. The bearing and character of his Honor who presides with so much dignity, give ample assurance that the law will be correctly and impartially laid down; and I trust I may be permitted to remark, that I have never seen a jury in whose hands I would sooner intrust the cause of my clients, while, at the same time, I am satisfied you will do full justice to the commonwealth.

"I came before you an utter stranger, and yet I feel not as a stranger towards you; I have watched during the course of the examination the various emotions which the evidence was so well calculated to arouse in your bosoms, both as men and as Kentuckians; and when I beheld the flush of honorable shame upon your cheeks, the sparkle of indignation in your eyes, or the curl of scorn upon your lips, as the foul conspiracy was developed, I felt that years could not make us better acquainted. 'I saw upon your faces the mystic sign which constitutes the bond of union among honest and honorable men; and I knew that I was about to

address those whose feelings would respond to my own. I rejoiced that my clients were, in the fullest sense of the term, to be tried by a jury of their peers."[1]

III. Persuasion through Vividness by Direct Discourse

Persuasion through Bringing Subject Vividly within Experience of Hearers. — People in an audience are made to feel the truth of a proposition, not only through confidence and respect for the personality of the speaker, but also through the relation of the subject under discussion to their own experience. One of the objects of a speaker should be, therefore, to bring his view of the subject in controversy as vividly as possible within the experience of his hearers.

This object he may attain by means of two general methods: *First*, by means of direct discourse; and *second*, by means of concreteness.

Persuasion through Direct Discourse. — The first method of bringing a subject vividly within the experience of a hearer is by means of *direct discourse*. This method of persuasion is one that involves a continual use of:

1. The Pronouns *We* and *You;*
2. The Imperative Mood;
3. Interrogation; and
4. Direct Quotation.

Persuasion through the Use of *We* and *You*. — Any subject may be brought vividly within the experience of an audience, if a debater will continually fasten it to his audience by working into most of his sentences the pronouns, *we* and *you*. This process may, at first, seem difficult; but

[1] *Great Speeches by Great Lawyers*, p. 88.

in reality, it is very simple; for very few subjects of discussion are entirely removed from the experience of an audience; and the debater may always preface his remarks with such statements as: *Of course, we all know; if you had been present you would have seen; when we look into the matter, we discover; etc., etc.*

Burke used this method in his speech on *Conciliation*, when he said:

"*We know* that parties must ever exist in a free country. *We know*, too, that the emulations of such parties — their contradictions, their reciprocal necessities, their hopes, and their fears — must send them all in their turns to him that holds the balance of the State." [1]

Patrick Henry used this method in his speech on the *Confiscation of British Debts*, when he said:

"I need only refer to *your recollection* for *our* pressing situation during the late contest. . . . The fact was, that *we* were attacked by one of the most formidable nations under heaven. . . . *Our* united property enabled *us* to look in the face that mighty people. Dared *we* to have gone in opposition to them bound hand and foot? Would *we* have dared to resist them fettered?" [2]

Lincoln used this method in his *Gettysburg Address*, when he said:

"Now *we* are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. *We* have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting

[1] Bradley, *Orations and Arguments*, p. 70.
[2] *Great Speeches by Great Lawyers*, p. 13.

and proper that *we* should do this. But in a larger sense *we* cannot dedicate, *we* cannot consecrate, *we* cannot hallow this ground." [1]

Theodore Parker used this method in his *Eulogy of Webster,* when he said:

"*You remember* the last time he spoke in Boston — the procession last summer. What a sad and care-worn countenance was that of the old man, welcomed with their mockery of applause! *You remember* when the orator, wise-headed and friendly hearted, came to thank him for his services, he said not a word of serving the Union, of the compromise measures, not a word; but for his own great services he thanked him." [2]

And James T. Brady used this method in his *Defense of the Savannah Privateers,* when he said:

"*You know* what *you* thought a 'thief' to be when a boy, and how *you* despised him; and *you* are to look at each prisoner mentioned in this indictment, and say, on *your* consciences as men, in view of the facts and of the law, as expounded by the learned court, do *you* consider that the word 'thief' can be applied to any one of the men whom I have to assist in defending?" [3]

This method of persuasion is one of the most common employed in all oratory; but to show how pointedly it may be used, the two following quotations are given; the first from John Philpott Curran in his *Defense of Rowan and Free Speech;* and the second from John Henry North in his *Defense of Forbes and Others.*

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[1] *Select Orations* (Macmillan), p. 212.

[2] *Ibid.*, p. 179.

[3] Snyder, *Great Speeches by Great Lawyers,* p. 347.

In the midst of Curran's address, he said:

"Let me tell *you, gentlemen of the jury,* if *you* agree with his prosecutors in thinking that there ought to be a sacrifice of such a man, on such an occasion; and upon the credit of such evidence, *you* are to convict him — never did *you,* never can *you* give a sentence consigning any man to public punishment with less danger to his person or to his fame." [1]

And in the midst of North's address, he said:

"Gentlemen, one falsehood George Atkinson has unquestionably told *you.* I am not a living man this moment, if every word he swore as to his going to the park was not a willful fabrication. . . . Do *you* believe him, *gentlemen?* Do *you,* sir? Or *you,* or *you?* No; no man can believe that he went that morning to the park." [2]

Persuasion through the Use of the Imperative Mood. — The *second* method of persuasion through direct discourse is by the use of the *imperative mood.* This method brings a subject vividly within the experience of an audience by commanding the audience to give it their consideration.

An illustration of the use of this method is found in the following quotation from Henry Clay's speech on *America's Duty to Greece:*

"What appearance, sir, on the page of history, would a record like this make: 'In the month of January, in the year of our Lord and Saviour 1824, . . . a proposition was offered in the American Congress to send a messenger to Greece to inquire into her state and condition, with an expression of our good wishes and our sympathies, — and it was rejected!'

[1] Bryan, *World's Famous Orations,* VI, p. 125.
[2] *Great Speeches by Great Lawyers,* p. 655.

"*Go home*, if you dare, — *go home*, if you can, — to your constituents, and *tell them* that you voted it down! *Meet*, if you dare, the appalling countenances of those who sent you here, and *tell them* that you shrank from the declaration of your own sentiments; that, you cannot tell how, but that some unknown dread, some indescribable apprehension, some indefinable danger, affrighted you; and that you suppressed all the noble feelings prompted by religion, by liberality, by national independence, and by humanity!" [1]

A further illustration of the use of this method is found in the following quotation from Charles Sumner's speech on *The Crime against Kansas:*

"You are now called to redress a great transgression. Seldom in the history of nations has such a question been presented, involving the peace of the whole country, with our good name in history for evermore.

"*Take down* your map, sir, and you will find that the territory of Kansas, more than any other region, occupies the middle spot of North America, equally distant from the Atlantic on the east, and the Pacific on the west." [2]

Lincoln used this method in his speech at Alton, delivered during the *Lincoln-Douglas Debates*, when he said:

"But is it true that all the difficulty, and agitation we have in regard to this institution of slavery springs from office-seeking — from the mere ambition of politicians? Is that the truth? How many times have we had danger from this question? *Go back* to the day of the Missouri Compromise. *Go back* to the Nullification Question, at the bottom of which lay this same slavery question. *Go back* to the

[1] *Select Oration* (Macmillan), p. 161.

[2] *Ibid.*, p. 190.

time of the annexation of Texas. *Go back* to the troubles that led to the Compromise of 1850. You will find that every time, with the single exception of the Nullification question, they sprung from an endeavor to spread this institution." [1]

And Lord Macaulay used this method in his speech on the *Reform Bill,* when he said:

"Now, in this your accepted time, now, in this your day of salvation, *take counsel,* not of prejudice, not of party spirit, not of the ignominious pride of a fatal consistency, but of history, of reason, of the ages which are past, of the signs of this most portentous time. *Pronounce* in a manner worthy of the expectations with which this great debate has been anticipated, and of the long remembrance which it will leave behind. *Renew* the youth of the state. *Save* property, divided against itself. *Save* the multitude, endangered by its own unpopular power. *Save* the greatest, and fairest, and most highly civilized community that ever existed, from calamities which may in a few days sweep away all the rich heritage of so many ages of wisdom and glory." [2]

Persuasion through the Use of Interrogation. — The *third* method of persuasion through direct discourse is by the use of *interrogation.* This method of persuasion brings a subject vividly within the experience of an audience by challenging the audience to give it their consideration, and either to find a solution for the problem, or to agree with a solution already offered.

Any form of interrogation has great persuasive value, if it is framed to anticipate the answer; but the form that is,

[1] Denney, Duncan, McKinney, *Argumentation and Debate,* p. 274.

[2] Bradley, *Orations and Arguments,* p. 270.

perhaps, most valuable is the *rhetorical question.* This type of question is one phrased in such a way as to suggest the answer. If an affirmative answer is wanted, for example, the question takes the following form: *Is this not so?* — and the answer is *Yes.* If, however, a negative answer is wanted, the question takes the following form: *This is not so, is it?* — and the answer is *No.* A rhetorical question, therefore, is in effect a very powerful declaration put in the form of an interrogation.

The rhetorical question is a very clever persuasive device; for it may be made to take the place of proof in many instances. The debater, therefore, should be careful never to overwork it, and never to rely on it as if it were proof. The best use that can be made of the rhetorical question is that it should be made to supplement proof, to enforce proof, but not to take the place of proof.[1]

This use of the rhetorical question, and interrogation generally, to supplement and to enforce proof, is illustrated in the following quotation from Lincoln's speech at Alton, concerning whether or not the agitation over slavery arose wholly from politicians seeking office. In this speech, Lincoln said:

"But does *not* this question make a disturbance outside of political circles? Does it not enter into the churches and rend them asunder? What divided the great Methodist Church into two parts, North and South? What has raised this constant disturbance in every Presbyterian General Assembly that meets? What disturbed the Unitarian Church in this very city two years ago? What has jarred and shaken the great American Tract Society recently, not yet splitting it, but sure to divide it in the end? Is it not

[1] See page 108.

this same mighty, deep-seated power that sometimes operates on the minds of men, exciting and stirring them up in every avenue of society — in politics, in religion, in literature, in morals, in all the manifold relations of life? Is this the work of politicians? Is that irresistible power, which for fifty years has shaken the government and agitated the people, to be settled and subdued by pretending that it is an exceedingly simple thing, and we ought not to talk about it? If you will get everybody else to stop talking about it, I assure you I will quit before you have half done so. But where is the philosophy or statesmanship which assumes that you can quiet that disturbing element in our society which has disturbed us for more than half a century, which has been the only serious danger that has threatened our institutions — I say, where is the philosophy or the statesmanship based on the assumption that we are to quit talking about it and that the public mind is all at once to cease being agitated by it? Yet this is the policy here in the North that Douglas is advocating — that we are to care nothing about it. I ask you if it is not false philosophy. Is it not a false statesmanship that undertakes to build up a system of policy upon the basis of caring nothing about the *very thing that everybody does care the most about?* — a thing which all experience has shown we care a very great deal about? "[1]

Persuasion through the Use of Direct Quotation. — The *fourth* method of persuasion through direct discourse is by the use of *direct quotation.* This method consists in quoting the actual words and expressions that were used by a witness in speaking, or the actual words and expressions that, under certain circumstances, the witness would have been likely to use; and preserving especially the use of the

[1] Denney, Duncan, McKinney, *Argumentation and Debate,* p. 275.

first and the second persons wherever these persons would have been used in the original.

The difference between a *direct* and an *indirect quotation* is illustrated in the following sentences. This sentence, for example, involves a direct quotation: *John said, "I am going to take you to my house";* but this next sentence involves an indirect quotation: *John said that he was going to take him to his house.*

The persuasive value of direct quotation can hardly be overestimated; for such a quotation always has the effect of bringing the original speaker as a living witness actually before the audience. When used cleverly, this method may be employed with dramatic effect to make those who are silent seem to speak, to make those who are absent seem to be present, and to make those who are dead seem to live, and move, and speak again to one's own particular audience.

An excellent illustration of the powerful persuasive and dramatic effect of direct quotation may be taken from the speech of Senator Hoar delivered in the Senate after the Spanish-American War in his famous debate with Beveridge on the question of retaining the Philippines. In this speech, Hoar said:

"Mr. President, it was once my good fortune to witness an impressive spectacle in this chamber, when the Senators answered to their names in rendering solemn judgment in a great State trial. By a special provision each Senator was permitted, when he cast his vote, to state his reason in a single sentence. I have sometimes fancied that the question before us now might be decided, not alone by the votes of us who sit here to-day, but of the great men who have been our predecessors in this chamber and in the Continental Congress from the beginning of the Republic.

"Would that that roll might be called: The solemn assembly sits silent while the chair puts the question whose answer is so fraught with the hopes of liberty and the destiny of the Republic.

"The roll is called. George Washington: 'No. Why should we quit our own, to stand on foreign ground?'

"Alexander Hamilton: 'No. The Declaration of Independence is the fundamental constitution of every state.'

"Thomas Jefferson: 'No. Governments are instituted among men deriving their just powers from the consent of the governed. Every people ought to have that separate and equal station among the nations of the world to which the laws of nature and nature's God entitle them.'

"John Adams: 'No. I stood by the side of Jefferson when he brought in the Declaration; I was its champion on the floor of Congress. After long estrangement, I came back to his side again.'

"James Madison: 'No. The object of the federal Constitution is to secure the union of the thirteen primitive states, which we know to be practicable, and to add to them such other states as may arise in their own bosoms or in their neighborhood, which we cannot doubt will be practicable.'

"Thomas Corwin: 'No. I said in the days of the Mexican War: If I were a Mexican, as I am an American, I would welcome you with bloody hands to hospitable graves. And Ohio to-day honors and loves me for that utterance beyond all her other sons.'

"Daniel Webster: 'No. Under our Constitution there can be no dependencies. Wherever there is in the Christian and civilized world a nationality of character, then a national government is the necessary and proper result. There is not a civilized and intelligent man on earth that enjoys

satisfaction with his condition if he does not live under the government of his own nation, his own country. A nation cannot be happy but under a government of its own choice. When I depart from these sentiments I depart from myself.'

"William H. Seward: 'No. The framers of the Constitution never contemplated colonies or provinces at all: they contemplated states only; nothing less than states — perfect states, equal states, sovereign states. There is reason, there is sound political wisdom, in this provision of the Constitution — excluding colonies, which are always subject to oppression, and excluding provinces which always tend to corrupt and enfeeble and ultimately to break down the parent state.'

"John Marshall: 'No. The power to declare war was not conferred upon Congress for the purpose of aggression or aggrandizement. A war declared by Congress can never be presumed to be waged for the purpose of conquest or the acquisition of territory, nor does the law declaring the war imply an authority to the President to enlarge the limits of the United States by subjugating the enemy's country.'

"John Quincy Adams: 'No. The territories I helped bring into the nation were to be dwelt in by free men and made into free states.'

"Aaron Burr: 'Yes. You are repeating my buccaneering expedition down the Mississippi. I am to be vindicated at last!'

"Abraham Lincoln: 'No. I said in Independence Hall at Philadelphia, just before I entered upon my great office, that I rested upon the truth Thomas Jefferson has just uttered, and that I was ready to be assassinated, if need be, in order to maintain it. And I was assassinated in order to maintain it.'

"Charles Sumner: 'No. I proclaimed it when I brought in Alaska. I sealed my devotion with my blood also. It was my support and solace through those many long and weary hours when the red-hot iron pressed upon my spine, the very source and origin of agony, and I did not flinch. He knows our country little, little also of that great liberty of ours, who supposes that we could receive such a transfer. On each side there is impossibility. Territory may be conveyed, but not people.'

"William McKinley: 'There has been a cloud before my vision for a moment, but I see clearly now; I go back to what I said two years ago: Forcible annexation is criminal aggression; governments derive their just powers from the consent of the governed, not some of them, but all of them. I will stand with the Fathers of the Republic. I will stand with the founders of the Republican party. No.'" [1]

IV. Persuasion through Vividness by Concreteness

Persuasion through Concreteness. — The first general method by which a subject is brought vividly within the experience of an audience is by means of direct discourse, and the second general method is by means of concreteness.

Concreteness is a quality that characterizes a speaker's style when he avoids the use of vague abstract statements and glittering generalities, and uses in their place definite statements concerning specific instances, actual events, and real objects.

No other quality in a speaker's style is more valuable for purposes of persuasion than is the quality of concreteness;

[1] Denney, Duncan, McKinney, *Argumentation and Debate*, pp. 361–364.

for men's feelings usually are not touched by the use of abstract principles, or by the use of glittering generalities, or by the use of figures and statistics worked out in long tables to the last decimal; but they are touched by specific instances, actual events, and real objects, such as: one poor dog mangled and bleeding from being run over by a street car; one homeless child abandoned by its parents and left half-naked to starve in the gutter; or one poor veteran with an empty sleeve compelled by an ungrateful government to get a living by becoming a beggar.

Rhetoricians, knowing well the value of concreteness as opposed to abstract principles and general statements, recommend, therefore, the following means for making the most of this quality:

1. The Use of Exhibits;
2. Vivid Word-Pictures;
3. A Typical Instance;
4. Contrasted Types; and
5. Striking Analogies.

Persuasion through Exhibits. — The *first* method of persuasion through concreteness is by the use of *exhibits*. This method is one in which objects connected with a case are made to speak for themselves without the aid of an advocate. A blood-stained garment, an empty cartridge, a widowed mother, for example, often speak more eloquently than any words that could be said concerning them; and such exhibits, therefore, are common sights in every court, employed by lawyers to aid them in their task of winning juries through persuasion.[1]

An illustration of the use of persuasion through exhibits

[1] See page 53.

is found in the speech of William H. Seward defending William Freeman against a charge of murder. In this speech, Seward maintained that Freeman was insane, and in the following words he offered Freeman, himself, as an exhibit:

"Is there reason to indulge a suspicion of fraud here? *Look at this stupid, senseless fool,* almost as inanimate as the clay moulded in the brick-yard, and say, if you dare, that you are afraid of being deceived by him."[1]

Persuasion through Vivid Word-Pictures. — The *second* method of persuasion through concreteness is by means of *vivid word-pictures.* This method is one employed by advocates when the use of exhibits is impossible, but when the advocates wish, nevertheless, to let the facts speak for themselves. This method of persuasion has always been a favorite with orators, and characterizes particularly the style of such masters as Robert Ingersoll and Henry W. Grady.

The common means by which a word-picture is made vivid are: (1) to dwell upon details; (2) to introduce movement; (3) to use short sentences; and (4) to fall into the historical present.

An illustration of this method of persuasion through a vivid word-picture is found in the Introduction to Webster's speech in the *White Murder Case.* In this speech Webster said:

"The deed was executed with a degree of self-possession and steadiness equal to the wickedness with which it was planned. The circumstances now clearly in evidence spread out the whole scene before us. Deep sleep had fallen on the destined victim, and on all beneath his roof. A healthful old man, to whom sleep was sweet, the first sound slumbers

[1] *Great Speeches by Great Lawyers,* p. 159.

of the night held him in their soft but strong embrace. The assassin enters, through the window already prepared, into an unoccupied apartment. With noiseless foot he paces the lonely hall, half lighted by the moon; he winds up the ascent of the stairs, and reaches the door of the chamber. Of this, he moves the lock, by soft and continued pressure, till it turns on its hinges without noise; and he enters, and beholds his victim before him. The room is uncommonly open to the admission of light. The face of the innocent sleeper is turned from the murderer, and the beams of the moon, resting on the gray locks of his aged temple, show him where to strike. The fatal blow is given! and the victim passes, without a struggle or a motion, from the repose of sleep to the repose of death! It is the assassin's purpose to make sure work; and he plies the dagger, though it is obvious that life has been destroyed by the blow of the bludgeon. He even raises the aged arm, that he may not fail in his aim at the heart, and replaces it again over the wounds of the poniard! To finish the picture, he explores the wrist for the pulse! He feels for it, and ascertains that it beats no longer! It is accomplished. The deed is done. He retreats, retraces his steps to the window, passes out through it as he came in, and escapes. He has done the murder. No eye has seen him, no ear has heard him. The secret is his own, and it is safe!"[1]

Persuasion through a Typical Instance. — The *third* method of persuasion through concreteness is by the use of *a typical instance*. This method consists in driving home a general statement of truth, not by giving many facts and figures, not by the citation of authorities, and not by any rapid enumeration of a large number of instances; but by

[1] Shurter, *Masterpieces of Modern Oratory*, pp. 67–68.

giving a single typical instance, one that is chosen particularly for its ability to stir the feelings, and one that may be presented in the form of a vivid word-picture.

This method of persuasion is the favorite instrument of all relief societies that call upon the public to help those who are starving, those who are sick, those who are disabled, and those who are homeless. Its effect upon the public is well known and hardly needs illustration; for every one knows who lived through the World War, for example, how, time after time, he was moved to give aid by the story of some starving infant dying in the arms of its stricken mother, who herself sat helpless in the ruins of her home among the dead bodies of her other children, all of them victims of war, through famine and disease.

An illustration of this method of persuasion is found in the speech of David Paul Brown delivered in defense of Alexander William Holmes against a charge of manslaughter on the high seas. In this speech, Brown drives home the point that Holmes did not *voluntarily* and *wantonly* throw overboard certain shipwrecked passengers, because his heroic conduct in the following typical instance shows this to be improbable:

"But there is still another picture to which I would invite, and upon which I would fasten, your attention. On that dreadful night, the crew and half the passengers having taken to the boats, the agonizing voice of a mother is heard even beyond the tumult and the clamor, calling for the preservation of her daughter, who in the consternation of the moment had been forgotten, and remained on board the fatal ship. In an instant, you may see a gallant, athletic, and powerful sailor, passing hand over hand, by dint of a slender rope, until he regains the vessel, and you may further

behold him upon the quarter deck in the depth of the night, surrounded by the wild and wasteful ocean, with one arm entwined around a sickly and half-naked girl, while, with the other, he bravely swings himself and his almost lifeless burden, by means of the 'boat tackle falls,' from the stern of the sinking ship into the boat below, and at once restores the child to the open arms and yearning heart of the mother. Yet to-day, I say it to the disgrace of the law, after months of solitary imprisonment, you here see that self-same heroic sailor arraigned upon the odious charge of having *voluntarily* and *wantonly* deprived a fellow-creature of his life; and *that*, gentlemen of the jury, is the charge that *I* am to argue and *you* are to determine."[1]

Persuasion through Contrasted Types. — The *fourth* method of persuasion through concreteness is by the use of *contrasted types*. This method is essentially the same as the method of persuasion through a typical instance; and yet it differs from this latter method, in the fact that it employs two typical instances, one of which is held in contrast with the other.

An illustration of this method of persuasion is found in the speech of Lewis Cass delivered in his debate with Calhoun on the *Ten-Regiment Bill* during the Mexican War. In this speech, Cass defended the American soldier in Mexico against charges of atrocity by introducing the following contrasted types:

"A Mexican horseman rides over the battlefield, thrusting his lance through the helpless wounded, gleaning with savage ferocity in the harvest where the Great Reaper himself had passed and spared; while the American soldier, in the same scene of carnage, stoops down, and, raising his

[1] *Great Speeches by Great Lawyers*, p. 129.

prostrate foe, pours the content of his canteen into his parched lips and recalls his fainting spirit to bless the generous enemy. This picture is at the same time a bright and a dark one, but it marks both now and forever, the characteristics of the two armies, and I commend it to all who doubt the humanity of the American soldier, or the cruelty of the Mexican." [1]

Persuasion through Striking Analogies. — The *fifth* and last method of persuasion through concreteness is by the use of *striking analogies*.[2] This method consists in the use of similes, metaphors, anecdotes, and parables to illustrate and drive home a main point in a speech.

No method is more common than this, and yet no method has its path strewn with a greater number of failures. These failures are due to the fact that the speaker does not use analogies that arise spontaneously, but uses rather analogies that he constructs with labor and pulls by the heels into his speech. If analogy is to be striking, it must be spontaneous; its application should be apparent instantly; and its terms should need no explanation.

This method was used by Burke most effectively in his speech on *Conciliation with the American Colonies*, when he said:

"Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat a whole system. You have, indeed, winged ministers of vengeance,

[1] Denney, Duncan, McKinney, *Argumentation and Debate*, pp. 235-236.

[2] See pages 95–97.

who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in that limits the arrogance of raging passions and furious elements, and says, *So far shalt thou go, and no farther.*

"Who are you, that you should fret and rage, and bite the chains of nature? Nothing worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt and Arabia and Kurdistan as he governs Thrace; nor has he the same dominion in Crimea and Algiers which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigor of his authority in his centre is derived from a prudent relaxation in all his borders." [1]

This method was used by Lord Macaulay in his speech on the *Reform Bill*, when he said:

"Sir, this alarming discontent is not the growth of a day, or of a year. If there be any symptoms by which it is possible to distinguish the chronic diseases of the body politic from its passing inflammations, all those symptoms exist in the present case. The taint has been gradually becoming more extensive and more malignant, through the whole lifetime of two generations. We have tried anodynes. We have tried cruel operations. What are we to try now?" [2]

This method was used by Lincoln in his speech at Spring-

[1] Bradley, *Orations and Arguments*, p. 23.
[2] *Ibid.*, p. 262.

field preceding the Lincoln-Douglas Debates, when he said:

"'*A house divided against itself cannot stand.*' I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved — I do not expect the *house* to fall — but I do expect it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward, till it shall become alike lawful in all the states, old as well as new — North as well as South." [1]

Jeremiah S. Black used this method when, in his speech defending *The Right of Trial by Jury*, he said:

"I would only say, in order to prevent misapprehension, that I think it is precisely in a time of war and civil commotion that we should double the guards upon the Constitution. If the sanitary regulations which defend the health of a city are ever to be relaxed, it ought certainly not to be done when pestilence is abroad. When the Mississippi shrinks within its natural channel and creeps lazily along the bottom, the inhabitants of the adjoining shore have no need of a dyke to save them from inundation. But when the booming flood comes down from above, and swells into a volume which rises high above the plain on either side, then a crevasse in the levee becomes a most serious thing. So, in peaceable and quiet times, our legal rights are in little danger of being over-borne; but when the wave of arbitrary power lashes itself into violence and rage, and goes surging

[1] Shurter, *Masterpieces of Modern Oratory*, p. 133.

up against the barriers which were made to confine it, then we need the whole strength of an unbroken Constitution to save us from destruction." [1]

George William Curtis used this method also in his speech entitled *The Public Duty of Educated Men*, when he said:

"It is for you to assert the independence and the dignity of the individual citizen, and to prove that party was made for the voter, not the voter for party. When you are angrily told that if you erect your personal whim against the regular party behest, you make representative government impossible by refusing to accept its conditions, hold fast by your own conscience and let the party go. There is not an American merchant who would send a ship to sea under the command of Captain Kidd, however skillful a sailor he might be. Why should he vote to send Captain Kidd to the legislature or to put him in command of the ship of state because his party directs? The party which to-day nominates Captain Kidd, will to-morrow nominate Judas Iscariot; and to-morrow, as to-day, party spirit will spurn you as a traitor for refusing to sell your master." [2]

In all these different illustrations of persuasion through analogy, it is apparent that the method of analogy may be combined with all the other methods of persuasion through direct discourse and through concreteness; but nowhere is this made more apparent than in the following quotation from the speech by Wendell Phillips on *William Lloyd Garrison:*

"In 1842 Lindley had finished the railway at Hamburg, and was to open it when the great fire broke out. The self-

[1] *Great Speeches by Great Lawyers*, p. 500.

[2] Shurter, *Masterpieces of Modern Oratory*, p. 205.

satisfied citizens called the Englishman to see how well their sixpenny squirts and old pails could put out the fire. But it raged on, till one-quarter of the city was in ruins. 'Mynheer Lindley, what shall we do?' cried the frightened senators of Hamburg. 'Let me blow up a couple of streets,' he answered. 'Never, never, never.' Another day of flames. 'Mynheer Lindley, blow up the streets and welcome; only save us.' 'Too late,' replied the engineer. 'To do that I must blow up the Senate House itself.' They debated an hour, and then said: 'Mynheer Lindley, save us in your own way.' In one hour the Senate House was in ruins and the fire ceased.

"'Be quiet, Mr. Garrison,' said 1830. 'Don't you see our sixpenny colonization society, and our old-fashioned pails of church resolves, nicely copied and laid away in vestries? See how we'll put out this fire of slavery.' But it burned on fiercer, fiercer. 'What shall we do now?' asked startled Whiggery. 'Keep the new states free, abolish slavery in the District, shut the door against Texas.' 'Too much,' said Whiggery. 'We are busy now making Webster President and proving that Mr. Everett never had an anti-slavery idea.' But the flames roll on. Republicanism proposes to blow up a street or two. No, no; nothing but to blow up the Senate House will do; and soon frightened Hamburg cries: 'Mynheer Garrison, save us on your own terms.'"[1]

V. Persuasion through Appeal to Motives

Persuasion through Associating the Proposition with Motives That Lead to Its Acceptance. — In order to persuade an audience of the truth of a proposition, a speaker must aim to accomplish three results: *First*, to inspire

[1] Quoted from Shurter, *Rhetoric of Oratory*, p. 166.

confidence in, and respect for, his own personality; *second*, to bring the subject of controversy vividly within the experience of his hearers; and *third*, to associate the proposition with motives among his hearers that will lead to its acceptance.

A complete enumeration of all the different motives to which a speaker may appeal would be impracticable; but the motives to which speakers do commonly appeal may be listed as follows under the fundamental emotions of love and hate:

Love	*Hate*
1. Sympathy	1. Indignation
2. Admiration	2. Contempt
3. Gratitude	3. Revenge
4. Hope	4. Fear
5. Pride	5. Shame

Any of these emotions may be used either separately or jointly as the basis of an appeal; but just what ones should be used in any given case will depend always on the character of the audience and the facts in the case.

Persuasion through Sympathy. — No method of persuasion is more common in oratory than an appeal for *sympathy*. This method is clearly illustrated in the following quotation from Henry W. Grady's speech on *The New South*.

In this illustration, as in all that follow, the student should note carefully the continual use of the principles of direct discourse and concreteness.

"Dr. Talmage has drawn for you, with a master's hand, the picture of your returning armies. He has told you how, in the pomp and circumstance of war, they came back to you, marching with proud and victorious tread, reading

their glory in a nation's eyes! Will you bear with me while I tell you of another army that sought its home in defeat and not in victory — in pathos and not in splendor, but in glory that equaled yours, and to hearts as loving, as ever welcomed heroes home.

"Let me picture to you the footsore Confederate soldier, as, buttoning up in his faded gray jacket the parole which was to bear testimony to his children of his fidelity and faith, he turned his face southward from Appomattox in April, 1865. Think of him as ragged, half-starved, heavy-hearted, enfeebled by want and wounds; having fought to exhaustion, he surrenders his gun, wrings the hand of his comrades in silence, and, lifting his tear-stained and pallid face for the last time to the graves that dot the old Virginia hills, pulls his gray cap over his brow and begins the slow and painful journey. What does he find? — Let me ask you who went to your homes eager to find, in the welcome you had justly earned, full payment for four years' sacrifice — what does he find when, having followed the battle-stained cross against overwhelming odds, dreading death not half so much as surrender, he reaches the home he left so prosperous and beautiful? He finds his house in ruins, his farm devastated, his slaves free, his stock killed, his barn empty, his trade destroyed, his money worthless; his social system, feudal in its magnificence, swept away; his people without law or legal status; his comrades slain, and the burdens of others heavy on his shoulders. Crushed by defeat, his very traditions gone; without money, credit, employment, material training; and besides all this, confronted with the gravest problem that ever met human intelligence — the establishing of a status for the vast body of his liberated slaves.

"What does he do — this hero in gray, with a heart of gold? Does he sit down in sullenness and despair? Not

for a day. Surely God, who had stripped him of his prosperity, inspired him in his adversity. As ruin was never before so overwhelming, never was restoration swifter. The soldier stepped from the trenches into the furrow; horses that had charged Federal guns marched before the plow, and fields that ran red with human blood in April were green with the harvest in June; women reared in luxury cut up their dresses and made breeches for their husbands, and, with a patience and heroism that fit women always as a garment, gave their hands to work. There was little bitterness in all this. Cheerfulness and frankness prevailed." [1]

Persuasion through Indignation. — Not only is sympathy a strong motive to which the speaker may appeal, but so also is *indignation* when it is righteously invoked. An illustration of persuasion through an appeal to this emotion is found in the following quotation from Lord Chatham's speech on *American Affairs*. This burst of indignation was prompted by a proposal to employ Indians in the war against the colonists, on the ground that this was justifiable because they were the means "that God and Nature put into our hands." In reply Chatham said:

"I am astonished, shocked to hear such principles confessed — to hear them avowed in this House, or in this country; principles equally unconstitutional, inhuman, and un-Christian!

"My Lords, I did not intend to have encroached again upon your attention, but I cannot repress my indignation. I feel myself impelled by every duty. My Lords, we are called upon as members of this House, as men, as Christian men, to protest against such notions standing near the Throne, polluting the ear of Majesty. 'That God and Na-

[1] *Select Orations* (Macmillan), pp. 237–239.

ture put into our hands!' I know not what ideas that lord may entertain of God and Nature, but I know that such abominable principles are equally abhorrent to religion and humanity. What! to attribute the sacred sanction of God and Nature to the massacres of the Indian scalping-knife — to the cannibal savage, torturing, murdering, roasting, and eating — literally, my Lords, eating the mangled victims of his barbarous battles! Such horrible notions shock every precept of religion, divine or natural, and every generous feeling of humanity. And my Lords, they shock every sentiment of honor; they shock me as a lover of honorable war, and a detester of murderous barbarity.

"These abominable principles, and this more abominable avowal of them, demand the most decisive indignation. I call upon that right reverend bench, those holy ministers of the Gospel, and pious pastors of our Church — I conjure them to join in the holy work, and vindicate the religion of their God. I appeal to the wisdom and the law of this learned bench to defend and support the justice of this country. I call upon the Bishops to interpose the unsullied sanctity of their lawn; upon the learned Judges, to interpose the purity of their ermine, to save us from this pollution. I call upon the honor of your Lordships to reverence the dignity of your ancestors, and to maintain your own. I call upon the spirit of humanity of my country to vindicate the national character. I invoke the genius of the Constitution. From the tapestry that adorns these walls, the immortal ancestor of this noble lord frowns with indignation at the disgrace of his country. In vain he led your victorious fleets against the boasted Armada of Spain; in vain he defended and established the honor, the liberties, the religion of this country, against arbitrary cruelties. To turn forth into our settlements, among our ancient connec-

tions, friends, and relations, the merciless cannibal, thirsting for the blood of man, woman, and child! to send forth the infidel savage — against whom? against our Protestant brethren; to lay waste their country, to desolate their dwellings, and extirpate their race and name with these horrible hell-hounds of savage war — hell-hounds, I say, of savage war! Spain armed herself with blood-hounds to extirpate the wretched natives of America, and we improve even on the inhuman example of Spanish cruelty; we turn loose these savage hell-hounds against our brethren and countrymen in America, of the same language, laws, liberties, and religion, endeared to us by every tie that should sanctify humanity." [1]

Persuasion through Admiration and Contempt. — Appeals to *contempt* in oratory are seldom made; but, when they are made, they may be given strength usually by being associated with an equally strong appeal to *admiration*. An illustration of such a combination of appeals is found in the following quotation from the conclusion of Burke's speech on *Conciliation:*

"All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians who have no place among us; a sort of people who think that nothing exists but what is gross and material, and who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles which, in the opinion of such men as I have mentioned, have no substantial existence, are in truth everything, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great

[1] Bradley, *Orations and Arguments*, pp. 86–88.

empire and little minds go ill together. If we are conscious of our station, and glow with zeal to fill our places as becomes our situation and ourselves, we ought to auspicate all our public proceedings on America with the old warning of the church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire, and have made the most extensive and the only honorable conquests — not by destroying, but by promoting the wealth, the number, the happiness, of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be." [1]

Persuasion through Gratitude. — Among all the appeals that may be made to an audience, an appeal to show *gratitude* is often one of the most effective. Such an appeal was made by Henry W. Grady in his speech entitled, *The Race Problem in the South.* In this speech, he said:

"The love we feel for that race you cannot measure nor comprehend. As I attest it here, the spirit of my old black mammy from her home up there looks down to bless, and through the tumult of this night steals the sweet music of her croonings as thirty years ago she held me in her black arms and led me smiling into sleep. This scene vanishes as I speak, and I catch a vision of an old Southern home, with its lofty pillars, and its white pigeons fluttering down through the golden air. I see women with strained and anxious faces and children alert yet helpless. I see night come down

[1] Bradley, *Orations and Arguments,* pp. 73–74.

with its dangers and its apprehensions, and in a big homely room I feel on my tired head the touch of loving hands — now worn and wrinkled, but fairer to me yet than the hands of mortal woman, and stronger yet to lead me than the hands of mortal man — as they lay a mother's blessing there while at her knees, the truest altar I yet have found, I thank God that she is safe in her sanctuary, because her slaves, sentinel in the silent cabin or guard at her chamber door, put a black man's loyalty between her and danger.

"I catch another vision. The crisis of battle — a soldier struck, staggering, fallen. I see a slave, scuffling through the smoke, winding his black arms about the fallen form, reckless of the hurtling death, bending his trusty face to catch the words that tremble on the stricken lips, so wrestling meantime with agony that he would lay down his life in his master's stead. I see him by the weary bedside, ministering with uncomplaining patience, praying with all his humble heart that God will lift his master up, until death comes in mercy and in honor to still the soldier's agony and seal the soldier's life. I see him by the open grave, mute, motionless, uncovered, suffering, for the death of him who in life fought against his freedom. I see him when the mound is heaped and the great drama of that life is closed, turn away and with downcast eyes and uncertain step start out into new and strange fields, faltering, struggling, but moving on, until his shambling figure is lost in the light of this better and brighter day. And from the grave comes a voice saying: 'Follow him! Put your arms about him in his need, even as he put his about me. Be his friend as he was mine.' And out into this new world — strange to me as to him, dazzling, bewildering both — I follow! And may God forget my people when they forget him."[1]

[1] Shurter, *Masterpieces of Modern Oratory*, pp. 230–231.

Persuasion through Revenge. — In vivid contrast with persuasion through gratitude is persuasion through the equally strong emotion of *revenge*. An illustration of this method of persuasion is found in the speech of Patrick Henry on the subject of the *Right to Confiscate British Debts*. In this speech Henry said:

"There is an essential variance between the late war and common wars. In common wars, children are not obliged to fight against their fathers, nor brothers against brothers, nor kindred against kindred. Our men were compelled, contrary to the most sacred ties of humanity, to shed the blood of their dearest connections. In common wars, contending parties respect municipal rights, and leave, even to those they invade, the means of paying debts and complying with obligations; they touch not private property. For example, when a British army lands in France, they plunder nothing; they pay for what they have, and respect the tribunals of justice, unless they have a mind to be called a savage nation. Were we thus treated? Were we permitted to exercise industry and to collect debts by which we might be enabled to pay British creditors? Had we a power to pursue commerce? No, sir. What became of our agriculture? Our inhabitants were mercilessly and brutally plundered, and our enemies professed to maintain their army by those means only. Our slaves carried away, our crops burned, a cruel war carried on against our agriculture — disability to pay debts produced by pillage and devastation, contrary to every principle of national law. From that series of plenty in which we had been accustomed to live and to revel, we were plunged into every species of human calamity! our lives attacked, charge of rebels fixed upon us, confiscation and attainder denounced

against the whole continent, and he that was called king of England sat judge upon our case. He pronounced his judgment; not like those to whom poetic fancy has given existence; not like him who sits in the infernal regions and dooms to the Stygian lake those spirits who deserve it, because he spares the innocent and sends some to the fields of Elysium; not like him who sat in ancient imperial Rome and wished the people had but one neck, that he might at one blow strike off their heads and spare himself the trouble of carnage and massacre, because one city would have satisfied his vengeance; not like any of his fellow-men! — for nothing would satiate his sanguinary ferocity but the indiscriminate destruction of the whole continent, involving the innocent with the guilty. Yes; he sat in judgment with his coadjutors, and pronounced proscription, attainder, and forfeiture against men, women, and even children at the breast! Is not this description pointedly true in all its parts? And who were his coadjutors and executioners in this strange court of judicature? Like the fiends of poetic imagination — Hessians, Indians and Negroes were his coadjutors and executioners. Is there anything in this sad detail of offenses which is unfounded? — anything not enforced by the act of Parliament against America? We were thereby driven out of their protection and branded by the epithet 'rebels'! The term *rebel* may not now appear in all its train of horrid consequences. We know that when a person is called rebel by that government, his goods and life are forfeited, and his very blood pronounced to be corrupted, and the severity of the punishment entailed on his posterity. To whom may we apply for the verity of this? The jurisprudence and history of that nation prove that, when they speak of rebels, nothing but blood will satisfy them. Is there nothing hideous in this part of the portrait? It is

unparalleled in the annals of mankind. Though I have respect for individuals of that nation, my duty constrains me to speak thus.

" When we contemplate this mode of warfare, and the sentiments of the writers on natural law on this subject, we are justified in saying that, in this revolutionary war, we had a right to consider British debts as subject to confiscation, and to seize the property of those who originated that war." [1]

Persuasion through Hope and Fear. — A favorite method of all orators in persuasion is to hold out brilliant *prospects to be hoped for* if their proposition is adopted and great *calamity to be feared* if any contrary proposition supported by their opponents is adopted in its stead.

This method of persuasion was used with striking success by Fisher Ames in his speech advocating the ratification of the Jay Treaty, when he appealed to the dread of Indian Massacres in case the treaty were rejected.

" On this theme," said Ames, " my emotions are unutterable. If I could find words for them, if my powers bore any proportion of my zeal, I would swell my voice to such a note of remonstrance it should reach every log house beyond the mountains. I would say to the inhabitants: wake from your false security; your cruel dangers, your more cruel apprehensions are soon to be renewed; the wounds, yet unhealed, are to be torn open again; in the day time your path through the woods will be ambushed; the darkness of midnight will glitter with the blaze of your dwellings. You are a father — the blood of your sons shall fatten your cornfield; you are a mother — the war-whoop shall wake the sleep of the cradle. . .

[1] *Great Speeches by Great Lawyers*, pp. 15–17.

"By rejecting the posts, we light the savage fires — we bind the victims. This day we undertake to render account to the widows and orphans whom our decision will make, to the wretches that will be roasted at the stake, to our country, and I do not deem it too serious to say, to conscience and to God. We are answerable, and if duty be anything more than a word of imposture, if conscience be not a bugbear, we are preparing to make ourselves as wretched as our country.

"There is no mistake in this case — there can be none. Experience has already been the prophet of events and the cries of future victims have already reached us. The Western inhabitants are not a silent and uncomplaining sacrifice. The voice of humanity issues from the shade of their wilderness. It exclaims that, while one hand is held up to reject this treaty, the other grasps a tomahawk. It summons our imagination to the scenes that will open. It is no great effort of the imagination to conceive that events so near are already begun. I can fancy that I listen to the yells of savage vengeance and the shrieks of torture. Already they seem to sigh in the west wind — already they mingle with every echo from the mountains."[1]

Webster, also, used this method in the closing words of his oration in *Reply to Hayne*, when he said:

"I have not allowed myself, Sir, to look beyond the Union to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty, when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can

[1] Bryan, *World's Famous Orations*, VIII, pp. 160–163.

fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this government, whose thoughts should be mainly bent on considering, not how the Union should be best preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, — for us and our children. Beyond that, I seek not to penetrate the veil. God grant that, in my day, at least, that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured; bearing for its motto, no such miserable interrogatory as 'What is all this worth?' nor those other words of delusion and folly, 'Liberty first, and Union afterwards!' but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land and in every wind under the whole heavens, that other sentiment, dear to every true American heart, — Liberty *and* Union, now and forever, one and inseparable!" [1]

Persuasion through Pride and Shame. — The last two motives to which orators may appeal are the motives of *pride*

[1] Johnston and Woodburn, *American Orations*, I, pp. 301–302.

and *shame*. These two motives usually are employed jointly, one being used to supplement the other.

Lewis Cass in his debate with Calhoun during the Mexican War over the subject of the *Ten-Regiment Bill* appealed to these motives when he said:

"We are also told, as a dissuasive against the prosecution of this war, that we can raise no more men nor money, and that our exertions must expire from the very lassitude of our patriotism. Our fathers had these difficulties to contend with in the war of the Revolution, magnified, indeed, a thousand-fold by the circumstances and the nature of the contest, and yet they fought on, till they obtained peace for themselves, and freedom for us, and founded upon a rock — the rock, I hope, of ages — this magnificent republican empire. We heard all this, also, in 1812, and yet, in the face of it, we conducted that war to a glorious termination. We heard it all again at the commencement of this very war, and the time has already passed, according to the prediction of a statesman now present of the highest character, supported almost by mathematical calculations, when we were to have neither men nor money, and when our cause was to fail from the failure of all the means necessary to support it. Now, sir, nothing can be worse than to stop without attaining our object. If we cannot raise men and cannot raise money, why, then, we must stop. But, thank God, we have not got to that point yet, nor do I believe we ever shall get to it. Let us not halt in our course now, simply for the fear that we may be compelled to halt there some time or other. Sufficient unto the day is the evil thereof. Sufficient for the dishonor of this country will be the time when she will practically exhibit her inability to maintain her rights and her honor. *Hinc illae lachrymae!* Tears for taxes, but

none for wounded honor! I trust that I shall never live to see the day when the American people will prosecute an unjust war because they do not feel its burden, or abandon a just one because they feel or fear its financial pressure." [1]

Senator Beveridge in his debate with Senator Hoar on the retention of the Philippines appealed to these motives when he said:

"Do you tell me that it will cost us money? When did Americans ever measure duty by financial standards? Do you tell me of the tremendous toil required to overcome the vast difficulties of our task? What mighty work for the world, for humanity, even for ourselves, has ever been done with ease? Even our bread must we eat by the sweat of our faces. Why are we charged with power such as no people ever knew, if we are not to use it in a work such as no people ever wrought? Who will dispute the divine meaning of the fable of the talents?

"Do you remind me of the precious blood that must be shed, the lives that must be given, the broken hearts of loved ones for their slain? And this is indeed a heavier price than all combined. And yet as a nation every historic duty we have done, every achievement we have accomplished, has been by the sacrifice of our noblest sons. Every holy memory that glorifies the flag is of those heroes who have died that its onward march might not be stayed. It is the nation's dearest lives yielded for the flag that makes it dear to us; it is the nation's most precious blood poured out for it that makes it precious to us. That flag is woven of heroism, and grief, of the bravery of men, and women's tears, of righteous-

[1] Denney, Duncan, McKinney, *Argumentation and Debate*, pp. 233–234.

ness and battle, of sacrifice and anguish, of triumph and of glory. It is these which make our flag a holy thing. Who would tear from that sacred banner the glorious legends of a single battle where it has waved on land or sea? What son of a soldier of the flag whose father fell beneath it on any field would surrender that proud record for the heraldry of a king? In the cause of civilization, in the service of the Republic anywhere on earth, Americans consider wounds the noblest decorations man can win, and count the giving of their lives a glad and precious duty.

"Pray God that spirit never fails. Pray God the time may never come when Mammon and the love of ease shall so debase our blood that we will fear to shed it for the flag and its imperial destiny. Pray God the time may never come when American heroism is but a legend like the story of the *Cid*, American faith in our mission and our might a dream dissolved, and the glory of our mighty race departed."[1]

To this appeal by Beveridge, Hoar made the following reply, based in the same manner on the motives of pride and shame:

"Mr. President, I know how imperfectly I have stated this argument. I know how feeble is a single voice amid this din and tempest, this delirium of empire. It may be that the battle for this day is lost. But I have an assured faith in the future. I have an assured faith in justice and the love of liberty of the American people. The stars in their courses fight for freedom. The Ruler of the heavens is on that side. If the battle to-day go against it, I appeal to another day, not distant, and sure to come. I appeal from

[1] Denney, Duncan, McKinney, *Argumentation and Debate*, pp. 321–322.

the clapping of hands and the stamping of feet and the brawling and the shouting to the quiet chamber where the Fathers gathered in Philadelphia. I appeal from the spirit of trade to the spirit of liberty. I appeal from the Empire to the Republic. I appeal from the millionaire, and the boss, and the wire-puller, and the manager, to the statesman of the elder time, in whose eyes a guinea never glistened, who lived and died poor, and who left to his children and to his countrymen a good name, far better than riches. I appeal from the Present, bloated with material prosperity, drunk with the lust of empire, to another and a better age. I appeal from the Present to the Future and to the Past." [1]

Table of Means for Securing Persuasion. — So much has been said on the subject of persuasion, that the student, without doubt, may become confused by the mass of theory and illustration. To make clear at a glance all the different means of securing persuasion, the following table is inserted:

I. *Persuasion*
  A. To Make Proof Interesting
    1. By Inspiring Confidence in, and Respect for, the Personality of the Speaker
    (*a*) By Indirect Appeal — through:
      (I′) Uprightness
      (II′) Earnestness
      (III′) Modesty
      (IV′) Tact
      (V′) Dignity
      (VI′) Humor
      (VII′) Intellectuality
      (VIII′) Calmness
      (IX′) Aggressiveness

[1] Denney, Duncan, McKinney, *Argumentation and Debate*, p. 364.

(*b*) By Direct Appeal — through:
(I′) Vindication of One's Self
(II′) Attack on Character of One's Opponents
(III′) Acknowledgment of Favors
(IV′) Tactful Praise of the Audience.

2. By Bringing Subject Vividly within Experience of Hearers
(*a*) By Direct Discourse — through
(I′) The Pronouns, *We* and *You*
(II′) The Imperative Mood
(III′) Interrogation
(IV′) Direct Quotation
(*b*) By Concreteness — through
(I′) Exhibits
(I′) Vivid Word-Pictures
(III′) A Typical Instance
(IV′) Contrasted Types
(V′) Striking Analogies

B. To Provide a Motive for the Acceptance of Proof

1. By Associating the Proposition with Motives that will Lead to its Acceptance — through:
(*a*) Love — by:
(I′) Sympathy
(II′) Admiration
(III′) Gratitude
(IV′) Hope
(V′) Pride
(*b*) Hate — by:
(I′) Indignation
(II′) Contempt
(III′) Revenge
(IV′) Fear
(V′) Shame

Summary of the Subject of Persuasion. — Throughout the whole process of pleading with an audience, a debater must constantly keep in mind the old, familiar saying that — "A man convinced against his will, is of the same opinion still." Conviction, therefore, in a speech cannot be relied upon alone; for it does not touch the will: it merely affects the understanding. Conviction is a process that must be aided always by some other process, some auxiliary process, some process that touches the feelings, that stirs the emotions, and thereby leads to action in the form of accepting the proposition which the debater advocates. This auxiliary process, that may always be relied upon to come to the aid of conviction, is called the process of *persuasion.*

No process, therefore, in debate is more important than the process of persuasion; and no pains should be spared on the part of the debater to acquire skill in its use. This skill, a debater may acquire by observing carefully all the principles that enable him to inspire confidence in, and respect for, his own personality; that enable him to bring his subject vividly within the experience of his audience; and that enable him to associate his proposition with motives that lead to its acceptance.

CHAPTER III

SPEECH-COMPOSITION[1]

General Problems of Speech-Composition. — When the student of debate has become familiar with all the different principles of conviction and persuasion, then he is qualified to undertake a consideration of general problems that must be faced in the process of speech-composition. These problems are: *First*, what method he should follow in the actual work of composition; and *second*, what plan he should adopt in composing the more important divisions of his speech.

I. Method in Composition

Use of the Brief in Composition. — The value of an outline as a guide in the actual work of composition needs no demonstration here at this advanced stage in the study of debate,[2] but the value of a brief as the outline for a speech needs careful consideration.[3]

The brief, it will be remembered, is a complete written outline of all the available proof in a case assembled with the purpose of establishing the truth of one side of the proposition, and arranged so as to make clear at a glance the relation of each part of the proof to all other parts and to the proposition.

The brief is extremely formal and extremely stereotyped in its style of expression. It aims merely to convince, and

[1] For lesson assignments on *Speech-Composition*, see Appendix A.

[2] See pages 36–37.

[3] See pages 203–204.

not to persuade the reader of the truth or falsity of a proposition. It contains, furthermore, all proof that is necessary to refute any argument that may be advanced by an opponent, and, therefore, much proof that would never be called for in a debate. By containing proof that is both constructive and destructive, it contains also much proof that the brief-maker should never advance in debate until his opponent has made its presentation necessary. For all these reasons, the brief as a whole in most cases should not be used directly as the outline of a speech; but should be used, rather, as a veritable mine of information and proof upon which the debater may draw in securing materials for his speech.

The brief may very well serve as the basis of a speech outline; but its materials, in some cases, may need rearrangement, in order that they may be better adjusted to the circumstances; and, in nearly all cases, many points need to be added for the sake of persuasion, and many other points need to be withheld from presentation until an opponent has taken the initiative in raising them for consideration.

Problems in Connection with Different Types of Speech-Composition. — When a suitable outline has been constructed, then various problems arise in connection with the composition of different types of speeches employed in debate. These problems are concerned with the proper methods of composition: *First,* for a written speech; *second,* for an extempore speech; and *third,* for a rebuttal speech.

(*A*) *Composition of the Written Speech*

Problems in Connection with the Composition of a Written Speech. — The general problems in connection with a written speech are: *First,* when should the work of actual composition be undertaken? — *Second,* should the work of

composition be undertaken in installments? — And *third*, what should be accomplished in the successive drafts of the speech?

The Time to Be Selected for the Composition of a Written Speech. — Most speakers and debaters, to their sorrow and their grief, have a tendency, that is almost irresistible, to begin the composition of their speeches before they are in any way properly prepared for the task. The consequence is, therefore, that they write hard and furiously for a while, and then consign their precious manuscripts to the waste-basket, knowing well that they are worthless, only to begin the foolish process over again and to be met with the same discouraging failure.

To avoid any such waste of time and energy, the speaker must wait till the time for composition is ripe. This time will be, of course, after all his investigation has been completed, and after he has made an outline of what he wants to say.

Even then, however, the actual time of composition may need to be postponed a little further; for no speech should be composed until the speaker has become so filled with his subject that it is calling for expression. No speech should be composed, either, until the speaker is full of life and energy and entirely recovered from any fatigue due to his labors of investigation. And, finally, no speech should be composed until the speaker can summon up before him in his mind's eye the actual audience that he must face with all the demands that they will make upon him.

In postponing the time of composition, however, there is only one caution to be observed. The speaker should never delay too long, so that he rushes from his desk to the platform with the ink still wet upon his manuscript, or so that

he has no period of rest between the labor of his composition and the delivery of his speech. The time must always be selected so that the speaker may become familiar with his manuscript; and, if his speech is memorized, so that he may rest between the time of memorizing and the time for delivery. If this most important caution is not observed, little short of a miracle will save the speaker from confusion, stage-fright, and collapse.

Composition by Installments. — Most beginners in speaking assume, without question, that a speech may be composed in installments; and, then, on the basis of this assumption, they proceed to commit the greatest of all follies: namely, to endeavor to build up a speech, word by word, line by line, and sentence by sentence, until they have filled up the space allotted. The only result of such a practice in composition is to produce an incoherent, shapeless monstrosity, which the writer has the temerity to call a *speech.*

Speeches, to be sure, may be composed either as units in their entirety, or in installments comprising any one of their main divisions or their paragraphs; but almost never should a speech be composed in installments comprising less than a paragraph.

The proper length of the minimum installment in composition should always be determined by whether or not it includes a single thought completely developed, and by whether or not the writer can phrase it all in words and remember it all before committing it to writing.

Composition by Successive Drafts. — Another great mistake commonly made by even the most experienced speakers is to write only one draft of a speech and torture an audience with all its obscurity and crudeness of expression. Great speeches, however, are seldom written in this way;

and the sooner the beginner realizes this truth, the sooner will he be able to avoid the disappointments of failure in speech-making. If a speech is to be a real triumph, it is often written, not only with a first draft, but with a second, and third, and sometimes even with many more.

In the first draft of a speech, a writer should compose at white heat with all the rapidity that he can muster: caring nothing for polish and precision, but only to get his thoughts on paper in the order in which they naturally arise.

In the second draft, then, the writer may proceed leisurely, and with great deliberation revise each statement to make it clear, fluent, and forceful.

If a third draft is necessary, the writer should not hesitate a moment to undertake the work of composing it; and this process of revision through successive drafts should never cease until the finished speech not only reads well, but speaks well. This is the only method of composition by which a speaker may be sure that his address is worthy of himself and worthy of the occasion that calls it forth.

(*B*) *Composition of the Extempore Speech*

Composition of an Extempore Speech. - The method to be followed in composing an extempore speech resembles very closely the method for a written speech; and yet it involves certain characteristic differences to which attention should be called. The extempore speech, of course, is impossible, unless it is built from a clear mental or written outline prepared in advance. In the process of composition, the main points in this outline will be used to provide the leading ideas for all the main divisions of the speech and especially for its paragraphs.

To this extent, the composition of an extempore speech resembles that of a written speech; but, from this point in the

method to be followed, certain characteristic differences should be noted. In the composition of an extempore speech, it is absolutely necessary that the *outline should be memorized*, and, in most cases, that it should be memorized by *visualization;* that is, by a process that enables the speaker to see it clearly in his mind constantly before him.

The next difference is, that, instead of making written drafts of the successive parts of the speech, the speaker must take each main topic in his outline and say over and over to himself the thoughts by which it is developed, until gradually he falls into certain *fixed expressions that convey his meaning best.*

The third and last main difference is that the speaker must fix in his mind the *exact transitions*[1] that he will use in passing from each thought to the one that follows. These little, unobtrusive words, phrases, clauses, and sentences, that mean so much for ease and clearness of expression, pass almost unnoticed in the work of written composition; but, in the work of extempore composition. they should assume equal importance with the most weighty thoughts to be presented; for, unless each of these transitions is anticipated, the speaker may be brought to a dead halt and be at an utter loss to see how it is possible to make the jump from one main thought to another.

(*C*) *Composition of the Rebuttal Speech*

Composition of a Rebuttal Speech. — The rebuttal speech should always assume the form of an extempore speech; and all that has been said, therefore, about the composition of an extempore speech applies with equal force to the composition of a rebuttal speech. In addition to these sugges-

[1] See pages 256–258.

tions, however, certain other suggestions should be made that apply particularly to the composition of rebuttals.

The main object of a rebuttal speech is to meet and overthrow all the proof advanced by one's opponents. The preparation for such a speech requires, therefore, that the debater shall anticipate, so far as possible, every point that an opponent *could* make against him, whether or not the point is relevant, irrelevant, admitted, or waived.

His next step, then, should be to group these points under topic headings that suggest the bearing of each point on the controversy. One convenient heading might be *Interpretation of the Question*, and the other headings would always *correspond to the established main issues.*

With the points thus grouped, the debater should then transfer them to separate cards of convenient size for handling; and, under each point, indicate the answer to be given.

An extremely important suggestion in this connection is that every argument in rebuttal must be concise and crushing, or it is worthless. The debater, then, should seek to overthrow each point in opposing proof by a single, striking sentence, whenever this is possible.

When a complete set of rebuttal cards has been made out, then the debater should shuffle the pack; draw at random from it various combinations that may represent different opposing cases; and train himself to speak on the points that he has drawn, by arranging them in logical sequence and going over his replies again and again *orally*, until he can speak fluently on any combination.

If, then, the debater will have in mind some definite Conclusion for his rebuttal that will summarize his own case, and, if he arranges this Conclusion with an appropriate transitional opening, he need never have any fear for his success in composing a satisfactory rebuttal.

II. Composition of More Important Divisions of the Speech

Problem of Planning the More Important Divisions of the Speech. — The first general problem of speech-composition is connected with methods to be followed in the actual work of composition; but the second general problem is connected with the plan to be adopted in composing the more important divisions of the speech.

From the standpoint of composition, the Introduction and the Conclusion of a speech are its most important divisions; for, when the student of debate has a full brief before him, when he understands all the different principles of conviction and persuasion, and when he has composed a suitable Introduction for his speech, then the Discussion will take care of itself; but the Introduction and the Conclusion will always raise very many difficult and practical problems. The problems to be considered, therefore, in connection with planning the more important divisions of the speech will be those that pertain only to the Introduction and to the Conclusion.

(*A*) *Composition of the Introduction*

Problems in Planning an Introduction. — The two problems that demand most attention in planning an Introduction are: *First,* to fix proper limits for the Introduction; and *second,* to choose that type of Introduction that will best serve the purpose of the speaker.

Problem of Fixing Proper Limits for the Introduction. — The problem of fixing proper limits for the Introduction is always important in speech-composition; because every speaker, no matter how experienced, has a tendency, either to jump into his subject without any Introduction, or to

prolong his Introduction until it has robbed him of much valuable time that should be spent on his Discussion.

In order to avoid one extreme or the other in planning an Introduction, the speaker should, therefore, fix arbitrary limits by which he will be bound in the work of composition. This he may do by assigning not more than one third of his speech to the Introduction; at least one half to the Discussion; and not more than one sixth to the Conclusion. To measure in words the extent of each one of these divisions, the speaker, then, merely has to reckon on the standard time of effective speaking, which allows one hundred twenty words to the minute. By such a reckoning, a twelve-minute speech would be divided into an Introduction of four minutes, with four hundred eighty words; a Discussion of six minutes, with seven hundred twenty words; and a Conclusion of two minutes, with two hundred forty words.

Problem of Choosing the Type of Introduction. — The problem of choosing the type of Introduction that will best serve the purpose of the speaker demands: *First*, a knowledge of the various types from which a choice may be made; and *second*, a knowledge of the audience and the peculiar circumstances attending the discussion.

General Types of Introduction. — The general types of Introduction from which a choice may be made are:

1. The Expository Introduction;
2. The Personal Introduction; and
3. The Transitional Introduction.

The Expository Introduction

The Expository Introduction. — In the opening speeches for both sides in a debate, an expository Introduction should always be used.

This type of Introduction is one that sets forth the main points in controversy with preliminary statements that make plain their importance and the reasons for their selection.

An expository Introduction may include some or all of the following parts:

1. A Statement of the Importance of the Case;
2. A Narration of Facts Giving Rise to the Controversy;
3. A Statement of the Proposition,
4. A Definition of Terms;
5. The Exclusion of Irrelevant, Admitted, and Waived Matter; and
6. A Partition.

In some cases, and especially in the opening speech for the Negative, some of these parts may be omitted, but generally in the opening speech for the Affirmative most of these parts will be included.

Specimen Introductions that illustrate this type of Introduction are given below. The following Introduction, taken from William Wirt's speech before the Supreme Court of the United States in the case of *Gibbons* vs. *Ogden*, represents the briefest possible type of expository Introduction including only a partition:

"May it please your Honors: — On the part of the appellant, I trust I shall be able to demonstrate that the laws of the State of New York are unconstitutional and void: *First*, because they are in conflict with powers exclusively vested in Congress, which powers Congress has fully exercised by laws now subsisting and in full force; and *second*, because, if the powers be concurrent, then the legislation of the State is in conflict with that of Congress, and is, therefore, void." [1]

[1] *Great Speeches by Great Lawyers*, p. 49.

An Introduction like that given by William Wirt in this speech should seldom be employed in debate unless the audience is already familiar with the facts of the case, and unless the audience is also so highly intellectual that it requires no emotional appeal to stir its interest.

A much more common type of expository Introduction, therefore, is like the following taken from Webster's speech before the Supreme Court of the United States in the case of *Ogden* vs. *Saunders:*

[Importance of the Case] "May it please the Court: —The question arising in this case is not more important, nor so important even, in its bearing on individual cases of private right, as in its character of a public political question. The Constitution was intended to accomplish a great political object. Its design was not so much to prevent injustice or injury in one case, or in successive single cases, as it was to make general salutary provisions, which, in their operation, should give security to all contracts, stability to credit, uniformity among all the States in those things which materially concern the foreign commerce of the country, and their own credit, trade, and intercourse with each other.

[The Proposition] "The real question is, therefore, a much broader one than has been argued. It is this: Whether the Constitution has not, for general political purposes, ordained that bankrupt laws should be established only by national authority? We contend that such was the intention of the Constitution; an intention, as we think, plainly manifested in several of its provisions.

[Narration of Facts] "The act of New York, under which this question arises, provides that a debtor may be discharged from all his debts, upon assigning his property

to trustees for the use of his creditors. When applied to the discharge of debts contracted before the date of the law, this court has decided that the act is invalid. The act itself makes no distinction between past and future debts, but provides for the discharge of both in the same manner. In the case, then, of a debt already existing, it is admitted that the act does impair the obligation of contracts.

[DEFINITION OF TERMS] "We wish the full extent of this decision to be well considered. It is not merely that the legislature of the State cannot interfere by law, in the particular case of A or B, to injure or impair rights which have become vested under contracts; but it is, that they have no power by general law to regulate the manner in which all debtors may be discharged from subsisting contracts; in other words, they cannot pass general bankrupt laws to be applied *in praesenti*.

[EXCLUSION OF IRRELEVANT AND ADMITTED MATTER] "Now, it is not contended that such laws are unjust, and ought not to be passed by any legislature. It is not said that they are unwise or impolitic. On the contrary, we know the general practice to be, that, when bankrupt laws are established, they make no distinction between present and future debts. While all agree that special acts, made for individual cases, are unjust, all admit that a general law, made for all cases, may be both just and politic.

[PARTITION] "The question, then, which meets us on the threshold, is this: If the Constitution meant to leave the States the power of establishing systems of bankruptcy to act upon future debts, what great or important object of a political nature is answered by denying the power of making such systems applicable to existing debts?" [1]

[1] *Great Speeches by Great Lawyers*, pp. 69–70.

The expository Introduction given by Webster in the instance quoted above was intended for a highly intellectual audience; and, hence, there is in it almost no element of persuasion. To demonstrate, however, that an expository Introduction may touch the feelings, the following specimen is given from a speech delivered to a jury by David Paul Brown in defense of Alexander William Holmes on a charge of manslaughter for having thrown overboard certain passengers from a life-boat in order to save others:

[Importance of the Case] "With deference to the Court: — How wonderful and mysterious, gentlemen of the jury, are the vicissitudes of human life. How frail and precarious are our best holds upon human happiness. Man, the boasted lord of creation, is the sport of every wind that blows, of every wave that flows. He appears like the grass of the field, flourishes, and is cut down, and withers ere the setting sun; like the dews of the morning he sparkles for a brief moment and is exhaled. There is nothing earthly *certain* but *uncertainty;* there is nothing *true* but Heaven.

[Narration of Facts] "What a salutary practical commentary is supplied by the present intensely interesting occasion upon the truth of this melancholy doctrine. On the thirteenth day of March, in the last year, a staunch and gallant ship, with a competent commander and a noble crew, with sixty-five passengers on board, sailed from the port of Liverpool, destined for that of Philadelphia; a destination, alas! which was never accomplished.

"For more than a month, notwithstanding, she encountered storms and tempests, she outrode them all; and like a thing of life held on her way rejoicing. On the 19th of the succeeding month, she arrived in fairer climes and enjoyed

more propitious gales; but even then, when every heart throbbed with the anticipated joy of a speedy arrival, the angel of destruction spread his broad black wings above her, and while traversing the ocean with all sails set, at the rate of ten knots an hour, she came into collision with an island of ice, and in a moment her pride was prostrate, and the doomed ship was reduced to an actually sinking condition, affording scarcely time for the unhappy inmates, in the moment of their extremest need, to cry *God bless us.* The ocean, her favored element, of which for years she had been the pride, became her sepulchre; and the winds that had borne her upon many a prosperous voyage, sung her last sad, only requiem. Here is a scene strikingly presented, in which the theories of philosophy are reduced at once to a frightful reality.

"But there is still another picture to which I would invite, and upon which I would fasten your attention. On that dreadful night, the crew and half the passengers having taken to the boats, the agonizing voice of a mother is heard even beyond the tumult and the clamor, calling for the preservation of her daughter, who in the consternation of the moment had been forgotten, and remained on board the fated ship. In an instant, you may see a gallant, athletic, and powerful sailor, passing hand over hand, by dint of a slender rope, until he regains the vessel. And you may further behold him upon the quarter deck, in the depth of the night, surrounded by the wild and wasteful ocean, with one arm entwined around a sickly and half naked girl, while, with the other, he bravely swings himself and his almost lifeless burden, by means of the 'boat tackle falls,' from the stern of the sinking ship into the boat below, and at once restores the child to the open arms and yearning heart of the mother.

[The Proposition] "Yet to-day, I say it to the disgrace of the law, after months of solitary imprisonment, you here see that self-same heroic sailor arraigned upon the odious charge of having voluntarily and wantonly deprived a fellow-creature of his life; and *that*, gentlemen of the jury, is the charge that *I* am to argue and *you* are to determine. I say this is what *you* are to determine." [1]

The Personal Introduction

The Personal Introduction. — Whenever a debater faces a strange audience, an indifferent audience, a prejudiced audience, or an openly hostile audience, he should use in his opening speech what is known as a personal Introduction.

This type of Introduction is generally employed as a preface to the more impersonal, expository Introduction, and is one that dwells on the relation of the speakers and the audience to one another and to the subject.

Many different varieties of personal Introduction may be found in the speeches of great orators; but those which are, perhaps, most common are:

1. Appeal to Sympathy for the Speaker.
2. Appeal for Confidence in the Speaker.
3. Appeal to Prejudice against Opponents.
4. Appeal to Vanity of Audience.
5. Appeal to Selfish Interests of Audience.
6. Appeal to Duty and Responsibility of Audience.
7. Appeal to Outraged Feelings of Audience.
8. Appeal to Sense of Fair Play.

Personal Introduction through Appeal to Sympathy for the Speaker. — A very common and effective type of per-

[1] *Great Speeches by Great Lawyers*, pp. 128–129.

sonal Introduction is that in which an appeal is made to sympathy for the speaker, on the ground that he is laboring under some very great handicap, such as ill-health, feebleness, exhaustion, grief, or persecution.

This type of personal introduction was used with striking effect by the Earl of Chatham in advocating the repeal of the Stamp Act in 1766 when he said:

"It is a long time, Mr. Speaker, since I have attended in Parliament. When the resolution was taken in this House to tax America, I was ill in bed. If I could have endured to be carried in my bed — so great was the agitation of my mind for the consequences — I would have solicited some kind hand to have laid me down on this floor, to have borne my testimony against it. . . .

"I hope a day may soon be appointed to consider the state of the nation with respect to America. . . . In the meantime, as I cannot depend upon my health for any future day (such is the nature of my infirmities) I will beg to say a few words at present, leaving the justice, the equity, the policy, the expediency of the act to another time." [1]

Another appeal similar to this, but chancing to come in a Conclusion, is found in the closing words of the famous speech by Fisher Ames on ratifying the Jay Treaty.

"I rose to speak under impressions that I would have resisted if I could. Those who see me will believe that the reduced state of my health has unfitted me almost equally for much exertion of body or mind. Unprepared for debate, by careful reflection in my retirement or by long attention here, I thought the resolution I had taken to sit silent was imposed by necessity, and would cost me no effort to main-

[1] Bryan, *World's Famous Orations*, III, pp. 197–198.

tain. With a mind thus vacant of ideas and sinking, as I really am, under a sense of weakness, I imagined the very desire of speaking was extinguished by the persuasion that I had nothing to say. Yet, when I come to the moment of deciding the vote, I start back with dread from the edge of the pit into which we are plunging. In my view, even the minutes I have spent in expostulation have their value, because they protract the crisis and the short period in which alone we may resolve to escape it.

"I have thus been led by my feelings to speak more at length than I intended. Yet I have, perhaps, as little personal interest in the event as any one here. There is, I believe, no member who will not think his chance to be a witness of the consequences greater than mine. If, however, the vote shall pass to reject, and a spirit should rise, as it will, with the public disorders, to make confusion worse confounded, even I, slender and almost broken as my hold upon life is, may outlive the government and Constitution of my country." [1]

Personal Introduction through Appeal for Confidence in the Speaker. — Another common type of personal Introduction is that in which an appeal is made for confidence in the speaker. Very often this type of Introduction assumes the form of laying before the audience a statement of the speaker's special preparation to discuss the subject, as in the following instance, taken from Burke's speech on *Conciliation with the Colonies*. In this speech Burke said:

"Surely it is an awful subject, or there is none on this side of the grave. When I first had the honor of a seat in this House, the affairs of that continent pressed themselves upon

[1] Bryan, *World's Famous Orations*, VIII, pp. 164–165.

us as the most important and most delicate object of Parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust: and, having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in everything which relates to our colonies." [1]

Speakers are frequently, not only under the necessity of showing their qualifications to discuss a particular subject, but they are also obliged in many cases to show that they have no desire extending beyond the mere performance of justice. An illustration of an appeal for confidence based on such a statement is found in the following quotation taken from the Introduction of the speech by Seargeant S. Prentiss in defense of Judge Wilkinson:

"Gentlemen of the Jury," said Prentiss, "I ask for these defendants no sympathy, nor do they wish it. I ask for them only justice — such justice alone as you would demand if you occupied their situation and they yours. They scorn to solicit that from your pity which they challenge from your sense of right. I should ill perform towards them the double duty which I have assumed, both of friend and advocate, did I treat their participation in this unfortunate transaction otherwise than candidly and frankly; did I attempt to avoid responsibility by exciting commiseration. I know that sooner than permit deception and concealment in relation to their conduct, they would bare their necks to the loathsome fingers of the hangman; for to them the infamous cord has less of terror than falsehood and self-degradation." [2]

[1] Bradley, *Orations and Arguments*, p. 2.

[2] *Great Speeches by Great Lawyers*, p. 93.

A third method of appealing for confidence in the speaker is for him in his Introduction to repudiate any unjust charges or suspicions that have been raised against his character. This method was employed by Sir James Mackintosh in the opening sentences of his speech in defense of Jean Peltier.

"Gentlemen of the Jury," said he, "the time is now come for me to address you in behalf of the unfortunate gentleman who is the defendant in this record.

"I must begin with observing, that though I know myself too well to ascribe to anything but to the kindness and good nature of my learned friend, the attorney-general, the unmerited praises which he has been pleased to bestow on me, yet, I will venture to say, he has done me no more than justice in supposing that in this place, and on this occasion, where I exercise the functions of an inferior minister of justice, an inferior minister, indeed, but a minister of justice still, I am incapable of lending myself to the passions of any client, and that I will not make the proceedings of this court subservient to any political purpose.

"Whatever is respected by the laws and government of my country shall, in this place, be respected by me. . . ." [1]

This method was also employed by William H. Seward in his defense of William Freeman when he said in his Introduction:

"In this case, if the prisoner *be* guilty of murder, I do not ask remission of punishment. If he be guilty, never was murderer *more* guilty. . . .

"For William Freeman, as a murderer, I have no commission to speak. If he had silver and gold accumulated

[1] *Great Speeches by Great Lawyers*, p. 569.

with the frugality of Croesus, and should pour it all at my feet, I would not stand an hour between him and the avenger. But for the innocent, it is my right, my duty to speak. If this sea of blood was *innocently* shed, then it is my duty to stand beside him until his steps lose their hold upon the scaffold." [1]

Personal Introduction through Appeal to Prejudice against Opponents. — A *third* type of personal Introduction is one in which the speaker appeals to prejudice against his opponents. This appeal may be either an insinuating one, or a direct attack upon the actions, motives, or character of the opponent.

Sir James Mackintosh used this method by insinuation when he said in the Introduction of his speech in behalf of Jean Peltier:

"I cannot but feel, gentlemen, how much I stand in need of your favorable attention and indulgence. The charge which I have to defend is surrounded with the most invidious topics of discussion; but, they are not of my seeking. The case and the topics which are inseparable from it are brought here by the prosecutor. Here I find them, and here it is my duty to deal with them, as the interests of Mr. Peltier seem to me to require. . . . .

"You will pardon me for having said so much when you consider who the real parties before you are. Gentlemen, the real prosecutor is the master of the greatest empire the world ever saw. The defendant is a defenseless, proscribed exile." [2]

In the Introduction of the speech by David Paul Brown defending Alexander William Holmes, the advocate used

[1] *Great Speeches by Great Lawyers*, p. 152.

[2] *Ibid.*, pp. 569–570.

this method by direct attack upon the character of his opponent, when he said:

"In approaching the consideration of this case, which I do with pride and pleasure and confidence, I cannot but express my regret, to adopt a military phrase, that I am called into conflict, not only with the regular troops of the United States, but with her recently enlisted *volunteers*. I am sorry that my gallant friend who led on the attack so boldly yesterday, and who is a legitimate leader everywhere, should so far have returned to his first love as to desert the white banner of innocence (under which he has lately so successfully fought) to engage once more beneath the bloody flag of such a prosecution as this. We should be happy to abide by every principle of civilized warfare; but in a mortal controversy, in a death struggle like this, we shall neither ask nor will we receive any *quarter*." [1]

Personal Introduction through Appeal to Vanity of Audience. — The *fourth* type of personal Introduction which is very commonly employed is one in which the speaker appeals to the vanity of the audience. This may be done as bluntly as William H. Seward did it in opening his speech entitled, *The Irrepressible Conflict*, when he said:

"The unmistakable outbreaks of zeal which occur all around me, show that *you are earnest men* — and *such a man am I*. Let us therefore, at least for a time, pass all secondary and collateral questions, whether of a personal or of a general nature, and consider the main subject of the present canvass. The Democratic party — or, to speak more accurately, the party which wears that attractive name — is in possession of the Federal Government. The Republicans

[1] *Great Speeches by Great Lawyers*, p. 130.

propose to dislodge that party, and dismiss it from its high trust.

"The main subject, then, is whether the Democratic party deserves to retain the confidence of the American people. . . ." [1]

An appeal to vanity may be as bluntly put as in the preceding instance, or it may be as tactfully phrased as in the following quotation from Webster's speech in the *White Murder Case:*

"I very much regret that it should have been thought necessary to suggest to you that I am brought here to 'hurry you against the law and the evidence.' I hope I have too much regard for justice, and too much respect for my own character, to attempt either; and were I to make such attempt, I am sure that in this court nothing can be carried against the law, and that gentlemen, intelligent and just as you are, are not, by any power, to be hurried beyond the evidence." [2]

Another tactful instance of the use of this method may be found in the following quotation taken from the Introduction of Sir James Mackintosh in the defense of Jean Peltier:

"But be that as it may, gentlemen, he now comes before you perfectly satisfied that an English jury is the most refreshing prospect that the eye of accused innocence ever met in a human tribunal; and he feels with me the most fervent gratitude to the Protector of empires that, surrounded as we are with the ruins of principalities and powers, we still continue to meet together, after the manner of our fathers, to administer justice in this her ancient sanctuary." [3]

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[1] Bradley, *Orations and Arguments*, p. 298.

[2] Shurter, *Masterpieces of Modern Oratory*, p. 66.

[3] *Great Speeches by Great Lawyers*, p. 572.

Personal Introduction through Appeal to the Selfish Interests of the Audience. — The *fifth* type of personal Introduction is one in which the speaker appeals to the selfish interests of the audience. An instance of the use of this method is found in the following Introduction to the speech of Senator Beveridge in the debate on the Philippine question:

"Mr. President," he said, "I address the Senate at this time because Senators and Members of the House on both sides have asked that I give Congress and the country my observations on the Philippines and the Far East, and the conclusions which those observations compel; and because of hurtful resolutions introduced and utterances made in the Senate, every word of which will cost and is costing the lives of American soldiers.

"Mr. President, the times call for candor. The Philippines are ours forever, — 'territory belonging to the United States,' as the Constitution calls them. And just beyond the Philippines are China's illimitable markets. We will not retreat from either. We will not repudiate our duty in the archipelago. We will not abandon our opportunity in the Orient. We will not renounce our part in the mission of our race, trustee, under God, of the civilization of the world. And we will move forward to our work, not howling our regrets like slaves whipped to their burdens, but with gratitude for a task worthy of our strength, and thanksgiving to Almighty God that He has marked us as his chosen people, henceforth to lead in the regeneration of the world.

"This island empire is the last land left in all the oceans. If it should prove a mistake to abandon it, the blunder once made is irretrievable. If it proves a mistake to hold it, the

error can be corrected when we will. Every other progressive nation stands ready to help us.

"But to hold it will be no mistake. Our largest trade henceforth must be with Asia. The Pacific is our ocean. More and more Europe will manufacture the most it needs, secure from its colonies the most it consumes. Where shall we turn for consumers of our surplus? Geography answers the question. China is our natural customer. She is nearer to us than to England, Germany, or Russia, the commercial powers of the present and the future. They have moved nearer to China by securing permanent bases on her borders. The Philippines give us a base at the door of all the East." [1]

Personal Introduction through Appeal to Duty and Responsibility of Audience. — The *sixth* type of personal Introduction is one in which the speaker appeals to his audience to do their duty. An illustration of this type of Introduction is found in the opening words of William M. Evarts' speech for the prosecution in the case of the Savannah Privateers:

"A trial in a court of justice," he said, "is a trial of many things besides the prisoner at the bar. It is a trial of the strength of the laws, of the power of the government, of the duty of the citizens, of the fidelity to conscience and the intelligence of the jury. . . .

"The controlling dominion of duty to the men before you in the persons of the prisoners, to the whole community around you, and to the great nation for which you now discharge here a vital function for its permanence and its safety; your duty to the laws and the government of your country; . . . your duty to yourselves requires you to recognize

[1] Denney, Duncan, McKinney, *Argumentation and Debate*, pp. 301–302.

yourselves not only as members of civil society but as children of the 'Father of an Infinite Majesty,' and amenable to His last judgment for your acts. Can any of us, then, fail to feel, even more fully than we can express, that sympathies, affections, passions, sentiments, prejudices, hopes, fears, feelings, and responsibilities of others than ourselves are banished at once and forever, as we enter the threshold of such an inquiry as this, and never return to us until we have passed from this sacred precinct, and, with our hands on our breasts and our eyes on the ground, can humbly hope that we have done our duty, and our whole duty." [1]

Another instance of this type of Introduction is found in the opening words of William H. Seward's speech for the defense in the trial of William Freeman:

"May it please the Court, — Gentlemen of the Jury: — 'Thou shalt not kill,' and 'Whoso sheddeth man's blood by man shall his blood be shed,' are laws found in the code of that people who, although dispersed and distracted, trace their history to the creation; a history which records that murder was the first of human crimes. . . .

"'Thou shalt not kill' is a commandment addressed, not to him alone, but to me, to you, to the Court, and to the whole community. There are no exceptions from that commandment, at least in civil life, save those of self-defense, and capital punishment for crimes in the due and just administration of the law. There is not only a question, then, whether the prisoner has shed the blood of his fellow-man, but the question whether we shall unlawfully shed his blood. I should be guilty of murder if, in my present relation, I saw

[1] *Great Speeches by Great Lawyers*, pp. 375–376.

the executioner waiting for an insane man and failed to say, or failed to do in his behalf, all that my ability allowed.

"I am arraigned before you for undue manifestations of zeal and excitement. My answer to all such charges shall be brief. When this cause shall have been committed to you, I shall be happy indeed, if it shall appear that my only error has been, that I have felt too much, thought too intensely, or acted too faithfully.

"If *my* error would thus be criminal, how great would yours be if you should render an unjust verdict? . . . If any prejudice of witnesses, or the imagination of counsel, or any ill-timed jest shall at any time have diverted your attention; or if any prejudgment which you may have brought into the jury-box, or any cowardly fear of popular opinion shall have operated to cause you to deny to the prisoner that dispassionate consideration of his case which the laws of God and man exact of you, and if, owing to such an error, this wretched man fall from the living, what will be your crime? You have violated the commandment, 'Thou shalt not kill.' It is not the form or letter of the trial by jury that authorizes you to send your fellow-man to his dread account, but it is the spirit that sanctifies that glorious institution; and if, through pride, passion, timidity, weakness, or any cause, you deny the prisoner one iota of all the defense to which he is entitled by the law of the land, you yourselves, whatever his guilt may be, will have broken the commandment, 'Thou shalt do no murder.'" [1]

Personal Introduction through Appeal to Outraged Feelings of Audience. — The *seventh* type of personal Introduction is one in which the speaker appeals to the outraged feelings of the audience. A remarkable example of this type

[1] *Great Speeches by Great Lawyers*, pp. 151–153.

of Introduction is found in the speech of Wendell Phillips delivered in Faneuil Hall before a mass-meeting called for the purpose of discussing resolutions on the murder of an Abolitionist called *Lovejoy* who was killed by a mob at Alton, Illinois. In this speech, Phillips said:

"Mr. Chairman: We have met for the freest discussion of these resolutions, and the events which gave rise to them. I hope I shall be permitted to express my surprise at the sentiments of the last speaker, — surprise not only at such sentiments from such a man, but at the applause they have received within these walls. A comparison has been drawn between the events of the Revolution and the tragedy at Alton. We have heard the mob at Alton, the drunken murderers of Lovejoy, compared to those patriot fathers who threw the tea overboard! . . . Sir, when I heard the gentleman lay down principles which place the murderers of Alton side by side with Otis and Hancock, with Quincy and Adams, I thought those pictured lips [pointing to the portraits in the hall] would have broken into voice to rebuke the recreant American, — the slanderer of the dead. The gentleman said that he should sink into insignificance if he dared to gainsay the principles of these resolutions. Sir, for the sentiments he has uttered, on soil consecrated by the prayers of Puritans and the blood of patriots, the earth should have yawned and swallowed him up."[1]

Personal Introduction through Appeal to Sense of Fair Play. — The *eighth* and last type of personal Introduction is one in which the speaker appeals to the sense of fair play in the audience. Such an Introduction as this is seldom employed except before riotous audiences that refuse to give the speaker a hearing.

[1] Johnston and Woodburn, *American Orations*, II, pp. 102–104.

Three notable examples of the use of this method have occurred in the history of American oratory. One instance occurred at the Republican National Convention of 1860,[1] when the convention had voted down an amendment to its platform which would have inserted a quotation from the Declaration of Independence. The convention, therefore, howled down any speaker who attempted to talk on the subject. One speaker, however, George William Curtis, rose in his place and said, "Gentlemen, this is a convention of free speech, and I have been given the floor. I have only a few words to say to you, but I shall say them if I stand here until to-morrow morning." The uproar broke out again, but finally, with the assistance of the chairman, Curtis was given a hearing, and succeeded in putting the amendment, in slightly different form, into the platform.

A second instance of the use of this method is one reported by Curtis and taken from the early history of the anti-slavery movement.[2] A mass-meeting had been called in Faneuil Hall to discuss slavery and a mob of sailors was hired to break it up. They took possession of the hall, danced, and shouted, and sang, and refused to hear the speakers. All the most eloquent orators pleaded with them in vain, but finally a man rose from among them and said, "Well, fellow-citizens, I wouldn't be quiet if I didn't want to." The mob then thought it had a spokesman, and it applauded vociferously, calling for more. The strange speaker then said, "No, I certainly wouldn't stop, if I hadn't a mind to; but then, if I were you, I *would* have a mind to!" The crowd became silent, and then the speaker said, "Not because this is Faneuil Hall, nor for the honor of Massachusetts, nor because you are Boston boys, but be-

[1] Shurter, *Rhetoric of Oratory*, p. 61.

[2] Shurter, *Masterpieces of Modern Oratory*, pp. 206–207.

cause you are men, and because honorable and generous men always love *fair play*." By these words the mob was conquered and the speaker got his hearing.

A third instance of an appeal for fair play occurred when Henry Ward Beecher went to England during the Civil War to change the spirit of hostility to the Northern cause. In Liverpool, he was greeted by a riotous meeting that drowned out all he said with cat-calls. Amid constant interruptions Beecher finally made his audience hear, bit by bit, the following remarks, and thus, in the end, he secured a hearing:

"It is a matter of very little consequence to me, personally, whether I speak here to-night or not. But one thing is very certain, if you do permit me to speak here to-night, you will hear very plain talking. You will not find me to be a man that dared to speak about Great Britain three thousand miles off, and then is afraid to speak to Great Britain when he stands on her shores. And if I do not mistake the tone and temper of Englishmen, they had rather have a man who opposes them in a manly way than a sneak that agrees with them in an unmanly way. Now, if I can carry you with me by sound convictions, I shall be immensely glad; but if I cannot carry you with me by facts and sound arguments, I do not wish you to go with me at all; and all that I ask is simply *fair play*."[1]

The Transitional Introduction

The Transitional Introduction. — The first general type of Introduction has been called the *expository Introduction;* and the second general type, the *personal Introduction.* The third type is the *transitional Introduction.*

[1] Johnston and Woodburn, *American Orations*, IV, pp. 95–96.

This type of Introduction is one that should be used in all speeches during a debate except the first or opening Affirmative speech; and should characterize particularly the speeches in rebuttal. In what are called the main speeches, this Introduction may be used both as preface to the personal Introduction and to the expository Introduction; but in the rebuttal speeches it may be used without either a personal or an expository Introduction.

The transitional Introduction is one that may be used for any one of three different purposes:

1. To Recall the Debate to a Consideration of the Real Points at Issue;
2. To Overcome the Persuasive Effect of a Preceding Speech; or
3. To Refute Immediately the Arguments of an Opponent.

The Transitional Introduction to Recall the Debate to the Real Issues. — A remarkable instance of a transitional Introduction used for the purpose of recalling the debate to a consideration of the real points at issue may be found in Webster's opening remarks in his *Reply to Hayne*. In this Introduction, Webster said:

"Mr. President, — When the mariner has been tossed for many days in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude, and ascertain how far the elements have driven him from his true course. Let us imitate this prudence and before we float farther on the waves of this debate refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the reso-

lution before the Senate. [The secretary then read the resolution.]

"We have thus heard, Sir, what the resolution is which is actually before us for consideration; and it will readily occur to every one that it is almost the only subject about which something has not been said in the speech, running through two days, by which the Senate has been entertained by the gentleman from South Carolina. Every topic in the wide range of our public affairs, whether past or present — everything, general or local, whether belonging to national politics or party politics — seems to have attracted more or less of the honorable member's attention, save only the resolution before the Senate. He has spoken of everything but the public lands; they have escaped his notice. To that subject, in all his excursions, he has not paid even the cold respect of a passing glance."[1]

The Transitional Introduction to Overcome the Persuasive Effect of a Preceding Speech. — A striking instance of a transitional Introduction used for the purpose of overcoming the persuasive effect of a preceding speech occurs in the speech of Senator Hoar given in reply to Senator Beveridge on the Philippine question.

"Mr. President," said Senator Hoar, "I have listened, delighted, as have, I suppose, all the members of the Senate, to the eloquence of my honorable friend from Indiana. I am glad to welcome to the public service his enthusiasm, his patriotism, his silver speech, and the earnestness and the courage with which he has devoted himself to a discharge of his duty to the Republic as he conceives it. Yet, Mr. President, as I heard his eloquent description of wealth and glory and commerce and trade, I listened in vain for those words

[1] Johnston and Woodburn, *American Orations*, I, pp. 248–250.

which the American people have been wont to take upon their lips in every solemn crisis of their history. I heard much calculated to excite the imagination of the youth seeking wealth, or the youth charmed by the dream of empire. But the words, *Right, Justice, Duty, Freedom*, were absent, my friend must permit me to say, from the eloquent speech. I could think, as this brave young Republic of ours listened to what he had to say, of but one occurrence.

"'Then the devil taketh Him up into an exceeding high mountain and sheweth Him all the Kingdoms of the world and the glory of them.

"'And saith unto Him, "All these things will I give Thee if Thou wilt fall down and worship me."

"'Then saith Jesus unto him, "Get thee hence, Satan."'"[1]

The Transitional Introduction to Refute Immediately the Arguments of an Opponent. — An instance of the transitional Introduction used for the purpose of refuting immediately the argument of an opponent occurs in the opening of Mr. Douglas's rejoinder to Lincoln in the debate that took place at Alton.

In this debate, Lincoln concluded by saying:

"I defy any man to make an argument that will justify unfriendly legislation to deprive a slave holder of his right to hold a slave in a territory, that will not equally, in all its length, breadth, and thickness, furnish an argument for nullifying the Fugitive Slave Law. Why, there is not such an Abolitionist in the nation as Douglas, after all."[2]

Mr. Douglas then picked the words out of Lincoln's mouth to make a transitional Introduction as follows:

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[1] Denney, Duncan, McKinney, *Argumentation and Debate*, p. 325.

[2] *Ibid.*, pp. 284–285.

"Mr. Lincoln has concluded his remarks by saying that there is not such an Abolitionist as I am in all America. If he could make the Abolitionists of Illinois believe that, he would not have much show for the Senate. Let him make the Abolitionists believe the truth of that statement, and his political back is broken.

"His first criticism upon me is the expression of his hope that the war of the Administration will be prosecuted against me and the Democratic party of this state with vigor. He wants that war prosecuted with vigor; I have no doubt of it. His hopes of success and the hopes of his party depend solely upon it. They have no chance of destroying the Democracy of this state except by the aid of federal patronage. . . ."[1]

(*B*) *Composition of the Conclusion*

Importance of the Conclusion. — The two most important divisions of a speech from the standpoint of composition are the Introduction and the Conclusion. The Introduction is important, because it creates interest in the Discussion and makes plain the points that the speaker intends to prove; and the Conclusion is important, because it demonstrates the fact that the speaker has carried out the promises made in his Introduction, and because it then drives home the truth of his proposition by associating it with motives that lead to its acceptance.

The Conclusion, furthermore, is important, because it involves the final word in a speech, for which the audience patiently waits throughout the entire discussion. This final word clears up the whole case, points the path of duty, and leaves with the audience its most lasting and permanent impressions.

[1] Denney, Duncan, McKinney, *Argumentation and Debate*, p. 287.

Problems in Planning the Conclusion. — Because the Conclusion constitutes one of the two most important divisions of a speech, no pains should be spared by the debater to make it effective. The general problems confronting a debater in planning his Conclusion are: *First,* to reserve time for the Conclusion; *second,* to observe the well-known laws governing the Conclusion; and *third,* to choose the most appropriate type of Conclusion.

Problem of Reserving Time for the Conclusion. — The problem of reserving time for the Conclusion is one of the most important and difficult problems of speech-composition. Because it is so difficult, many speakers, in fact, avoid the task of giving it consideration, with the result that they are forced to omit their Conclusion altogether, or with the result that they give it after their time-limit has expired and thereby invite the prejudice and ill-will of the audience.

To avoid either one of these unfortunate situations, the debater should plan his speech so carefully in advance that he knows he will have plenty of time to give an appropriate Conclusion.

In a written speech, the problem of reserving time for the Conclusion is comparatively simple; for it involves the task merely of keeping the Discussion within proper bounds. If the Discussion is found to be trespassing on time that should be given to the Conclusion, then the speaker has merely to leave out certain minor points or to revise and compress his treatment of these points. Of these two methods, the latter will usually prove most satisfactory.

In an extempore speech, however, the problem is much more difficult; for the debater is often led by his enthusiasm to treat certain points more elaborately than he intended. To guard against prolonging the Discussion too far in an

extempore speech, the debater should either post a friend in the audience to warn him of the passage of time, or he should train himself most diligently to be a judge of the passage of time himself.

Problem of Observing Well-Known Laws Governing the Conclusion. — The problem of observing well-known laws that govern the Conclusion demands of the speaker that he know first what these laws are. Briefly, these laws may be stated as follows:

1. The Conclusion should be marked at its beginning with a very distinct transition.
2. The Conclusion should always contain a summary of the proof and in most cases an appeal also to the emotions.
3. The Conclusion must be brief.
4. The Conclusion should always be arranged in the order of climax.

Transitions to Mark the Beginning of the Conclusion. — The purpose of a distinct transition to mark the beginning of the Conclusion is to notify the audience that the end of the speech is at hand and to rouse them to one more final effort of concentrated attention. If such a transition is not made, the audience often fails completely to grasp the significance of the speaker's closing remarks; but if, on the contrary, such a transition is made, it almost never fails to stimulate renewed interest and attention.

Among the favorite transitions used by public speakers to notify an audience of the coming Conclusion are such expressions as: *Let us see now how the case stands on both sides — To clear up my ideas on this subject, I maintain, etc. — To summarize the case for the Affirmative, we believe that we have*

proved, etc. — I am conscious of having detained you too long, but I have felt keenly my deep responsibility in this case — I shall detain you no longer — I have now performed my duty in expressing to you my opinions on this subject — and — *one word more, and I am done.*

The Conclusion a Place for Summary and an Appeal to the Emotions. — Every audience expects that a speaker in his Conclusion will make his whole case clear by gathering it together into a nutshell, and also that the speaker will use every means within his power to make the audience feel the truth of his proposition and act upon his suggestions. An audience expects and demands these things of a speaker, and if the speaker disappoints his hearers, then he is doomed to failure. The Conclusion of the speech, therefore, should always contain a summary of the proof and in most cases an appeal also to the emotions.

Brevity in the Conclusion. — When once a speaker has intimated to an audience that he is approaching the end of his speech, then he should never yield to the temptation to prolong it endlessly; for nothing so exasperates an audience as to be led to expect that the end is coming and then to find that "the end is not yet." The speaker, therefore, should always strive to make his Conclusion brief; and this object he may attain by rigidly excluding from his Conclusion any point that leads to further discussion, and by including within it only the main points and vital issues of his proof with one strong appeal to motives that will lead to their acceptance.

Climax in the Conclusion. — The Conclusion represents the climax of the whole speech. It is that point toward which the speaker has been working through all that he has

said; and yet it merely repeats thoughts and sentiments already expressed or implied earlier in the speech. If the repetition of these thoughts is to be made effective, then, of course, the Conclusion must express them with the greatest force and emphasis. Each sentence in the Conclusion must be stronger than the preceding sentence or it will fail to hold the interest; and the final sentence must be the strongest sentence in the whole speech. In other words, the Conclusion must not only be a climax for the speech, but it must also be a climax in itself.

Problem of Choosing an Appropriate Type of Conclusion. — The third problem to be met in planning a Conclusion is to choose the most appropriate type. The most common types employed in debate may be spoken of as the *summarizing Conclusion*, and the *personal Conclusion*.

The summarizing Conclusion may consist of:

1. A Joint Review of the Opposing Cases;
2. A Simple Restatement of Points in One's Own Case; or
3. A Restatement of Points in a Periodic Sentence.

The summarizing Conclusion is used when no problem of personal prejudice is encountered; and the personal Conclusion is used when the speaker must not only establish his proposition, but also make his audience well disposed toward him and his subject.

The personal Conclusion is generally appended to the summarizing Conclusion, and resembles the various types of personal Introduction that have beeen previously enumerated. Whenever a personal Introduction has been used in a speech, it may usually be repeated almost verbatim in the Conclusion.

Conclusion by Joint Review of the Opposing Cases. — An excellent illustration of a joint review of opposing cases may

be taken from the opening sentences of Burke's long Conclusion in his speech on *Conciliation with the Colonies*, when he contrasts his own policy with the plan of Lord North:

"Compare the two," he said. "This I offer to give you is plain and simple; the other full of perplexed and intricate mazes. This is mild; that harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other calculated for certain colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people — gratuitous, unconditional, and not held out as a matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom!" [1]

Conclusion by Simple Restatement of Points in One's Own Case. — An excellent illustration of a simple restatement of points in one's own case may be found in the opening words of Webster's famous peroration in the *White Murder Case:*

"Gentlemen," said Webster, "I have gone through with the evidence in this case, and have endeavored to state it plainly and fairly before you. I think there are conclusions to be drawn from it, the accuracy of which you cannot doubt. I think you cannot doubt that there was a conspiracy formed for the purpose of committing this murder, and who the conspirators were; that you cannot doubt that the Crown-

[1] Bradley, *Orations and Arguments*, pp. 68–69.

inshields and the Knapps were the parties in the conspiracy; that you cannot doubt that the prisoner at the bar knew that the murder was to be done on the night of the 6th of April; that you cannot doubt that the murderers of Captain White were the suspicious persons seen in and about Brown Street on that night; that you cannot doubt that Richard Crowninshield was the perpetrator of that crime; that you cannot doubt that the prisoner at the bar was in Brown Street on that night. If there, then it must be by agreement, to countenance, to aid the perpetrator. And if so, then he is guilty as principal." [1]

Conclusion by Restatement of Points in a Periodic Sentence. — An example of a conclusion by a restatement of points in a periodic sentence is found in Lord Chatham's conclusion to his first speech on *American Affairs*.

"My Lords," he said, "to encourage and confirm that innate inclination of this country, founded on every principle of affection as well as consideration of interest; to restore that favorable disposition into a permanent and powerful reunion with this country; to revive the mutual strength of the empire; again to awe the house of Bourbon, instead of meanly truckling, as our present calamities compel us, to every insult of French caprice and Spanish punctilio; to reëstablish our commerce; to reassert our rights and our honor; to confirm our interests, and renew our glories forever — a consummation most devoutly to be endeavored! and which, I trust, may yet arise from reconciliation with America — I have the honor of submitting to you the following amendment, which I move to be inserted after the two first paragraphs of the Address. . . ." [2]

[1] Shurter, *Masterpieces of Modern Oratory*, p. 127.

[2] Bradley, *Orations and Arguments*, p. 85.

Personal Conclusion Appended to the Summarizing Conclusion. — An instance of a personal Conclusion appended to a summarizing Conclusion may be found in the final appeal of Seargeant S. Prentiss in his defense of Judge Wilkinson.

"Gentlemen of the Jury," said Prentiss, "I shall detain you no longer. It was, in fact, a matter of supererogation for me to address you at all, after the lucid and powerful exposition of the case which has been given by my respected friend, Col. Robertson. It was doubly so when it is considered that I am to be succeeded by a gentleman (Judge Rowan) who, better, perhaps than any other man living, can give you from his profound learning and experience, a just interpretation of the laws of your State; and in his own person a noble illustration of that proud and generous character which is a part of the birthright of a Kentuckian.

"It is true I had hoped, when the evidence was closed, that the commonwealth's attorney might have found it in accordance with his duty and his feelings to have entered at once a *nolle prosequi*. Could the genius of 'Old Kentucky' have spoken, such would have been her mandate. Blushing with shame at the inhospitable conduct of a portion of her sons, she would have hastened to make reparation.

"Gentlemen: — Let her sentiments be spoken by you. Let your verdict take character from the noble State which you in part represent. Without leaving your box, announce to the world that here the defense of one's own person is no crime, and that the protection of a brother's life is the subject of approbation rather than of punishment.

"Gentlemen of the Jury: — I return you my most profound and sincere thanks for the kindness with which you have listened to me, a stranger, pleading the cause of

strangers. Your generous and indulgent treatment I shall ever remember with the most grateful emotions. In full confidence that you, by your sense of humanity and justice, will supply the many defects in my feeble advocacy, I now resign into your hands the fate of my clients. As you shall do unto them, so, under like circumstances, may it be done unto you." [1]

Two other examples of personal conclusions that have never been surpassed for their eloquence in the oratory of the whole world may be taken from the speeches of Webster; one from his speech in the *White Murder Case;* and the other from his speech before the Supreme Court in the *Dartmouth College Case.*

Webster concluded his appeal in the *White Murder Case* by saying:

"Gentlemen, your whole concern should be to do your duty, and leave consequences to take care of themselves. You will receive the law from the court. Your verdict, it is true, may endanger the prisoner's life, but then it is to save other lives. If the prisoner's guilt has been shown and proved beyond all reasonable doubt, you will convict him. If such reasonable doubts of guilt still remain, you will acquit him. You are the judges of the whole case. You owe a duty to the public, as well as to the prisoner at the bar. You cannot presume to be wiser than the law. Your duty is a plain, straightforward one. Doubtless we would all judge him in mercy. Towards him, as an individual, the law inculcates no hostility; but towards him, if proved to be a murderer, the law, and the oaths you have taken and public justice, demand that you do your duty.

[1] *Great Speeches by Great Lawyers,* p. 123.

"With consciences satisfied with the discharge of duty, no consequences can harm you. There is no evil that we cannot either face or fly from, but the consciousness of duty disregarded. A sense of duty pursues us ever. It is omnipresent, like the Deity. If we take to ourselves the wings of the morning, and dwell in the uttermost parts of the sea, duty performed, or duty violated, is still with us, for our happiness or our misery. If we say the darkness shall cover us, in the darkness as in the light our obligations are yet with us. We cannot escape their power, nor fly from their presence. They are with us in this life, will be with us at its close; and in that scene of inconceivable solemnity which lies yet farther onward, we shall still find ourselves surrounded by the consciousness of duty, to pain us wherever it has been violated, and to console us so far as God may have given us grace to perform it." [1]

In the *Dartmouth College Case*, Webster concluded with the following famous appeal:

"This, sir, is my case. It is the case not merely of that humble institution, it is the case of every college in our land. . . .

"Sir, you may destroy this little institution, it is weak; it is in your hands! I know it is one of the lesser lights in the literary horizon of our country. You may put it out. But if you do so, you must carry through your work! You must extinguish, one after another, all those greater lights of science which for more than a century have thrown their radiance over our land. It is, sir, as I have said, a small college. And yet there are those who love it."

Here, Webster's feelings overcame him; his eyes filled with tears; his lips quivered; and his voice choked. Then, after

[1] Shurter, *Masterpieces of Modern Oratory*, pp. 127–128.

a moment, when he had recovered his composure, he continued by saying:

"Sir, I know not how others may feel [glancing at the opponents of the college before him], but for myself, when I see my Alma Mater surrounded, like Cæsar in the Senate House, by those who are reiterating stab after stab, I would not, for this right hand, have her turn to me, and say, *Et tu quoque, mi fili! And thou too, my son!*" [1]

Summary of the Subject of Speech-Composition. — There is no danger that a student of debate will underrate the importance of problems in the composition of his speeches; but there is great danger that he will undertake to solve these problems with no definite ideas of the fundamental principles that he must observe. He is likely, for instance, to approach the actual work of composition with no definite notion of how it should be conducted, and, worse than that, without any definite plans for his Introduction and Conclusion. Such errors in composition almost invariably lead to disappointment and failure; and, hence, the student should spare no pains to become familiar with all the general principles of composition, and especially with all the different types of Introduction and Conclusion that he may use to serve his purpose best.

[1] Lodge, *Daniel Webster*, pp. 89–91.

CHAPTER IV

STRATEGY[1]

Preliminary Statement. — The task of making the plea in a debate demands of a speaker, not only that he should have a knowledge of all the different principles of conviction, persuasion, and speech-composition; but also that he should be thoroughly familiar with every art of debating strategy. The last main topic for consideration, therefore, under the general subject of making the plea, must be the subject of *strategy*.

Definition of Strategy. — *Strategy* in debate, like strategy in war, consists in arranging and directing one's forces in such a way as to gain an unexpected advantage over an adversary in respect to the conditions of fighting.

Purpose of the Study of Strategy. — All forms of strategy in debate are regarded by many persons as being contemptible and unworthy of the speakers; but, in reality, the strategy of debate may be as honorable as that adopted by any military commander in planning a campaign and in directing his forces on the field of actual battle.

Some forms of strategy are, of course, contemptible — such strategy, for instance, as that which deliberately conceals the truth, or that which takes an *unfair* advantage of an opponent — and all honorable debaters will scorn a resort to such methods of controversy, just as all honorable military commanders will scorn a resort to treacherous methods of warfare.

[1] For lesson assignments on *Strategy*, see Appendix A.

The study of strategy in debate should not be discouraged, therefore, because some forms of strategy are contemptible; but should be encouraged, rather, in order that the debater may employ every honorable method of advancing a good cause, and in order that he may be able to block every dishonorable method of promoting a bad cause.

Common Forms of Debating Strategy. — The term *strategy* is, by its origin, a strictly military term; and, hence, all the different forms of debating strategy referred to in this treatment of the subject will be given names derived from military usage. The most common forms of strategy employed in debate are:

1. Strategy of Direct and Overwhelming Assault
2. Strategy of Taking over the Enemy's Positions
3. Strategy of Scattering the Enemy's Forces
4. Strategy of Retreat
5. Strategy of Skirmishing
6. Strategy of Drawing the Enemy's Fire
7. Strategy of Bottling-Up the Enemy
8. Strategy of Evading Traps
9. Strategy of Concealed Objective
10. Strategy of Withholding Reserves

Strategy of Direct and Overwhelming Assault. — No strategy in debate is more effective than for a speaker to attack at once all along the whole front, forcing his opponent everywhere to take the defensive, and keeping him so busy repairing his losses that he, in turn, has almost no opportunity to launch an offensive of his own. This form of strategy is known as that of *direct and overwhelming assault.*

To employ this kind of strategy, the speaker should waste no time on his Introduction beyond what is absolutely neces-

sary to state his general position in regard to the proposition; he should weave into his argument the greater part of his narration and his definition of terms; and he should then pour down upon his opponent such an avalanche of points, that little opportunity is given to record them, and no opportunity is given to prepare answers for them.

This type of strategy is well illustrated in the following speech taken from a college debate on the repeal of the Esch-Cummins Railroad Law:[1]

"No problem facing the nation to-day is more important than the railroad problem; for the railroads to-day are approaching a condition of utter collapse. Before the World War, the railroads showed signs of a break-down, because they were caught in a nutcracker between the demands of the Interstate Commerce Commission for better and better service at lower and lower rates, and the demands of labor for higher and higher wages and less and less work. Government operation of the roads during the World War tided them over a period when collapse seemed to be inevitable; but when the government turned the roads back to their private owners, they were left, not only in a dilapidated condition, but also on the verge of bankruptcy. The Esch-Cummins Law attempted to remedy this situation so that the roads might recover their financial stability and, thereby, be able to render to the public adequate service at reasonable rates; but, in this attempt, the Esch-Cummins Law has proved to be an utter failure. It has only accentuated and perpetuated the problem it was intended to solve. We of the Affirmative, advocate, therefore, its total repeal.

"Let us examine this law for a moment to see why we think

[1] Opening Speech by Knox College Debater in Knox-Beloit Debate of 1921.

it should be repealed. The law contains provisions of two fundamentally different types. Some of its provisions are merely temporary, and some are intended to be permanent. Its temporary provisions have already served their purpose. They are now dead letters, because they have passed into history. They cannot be considered, therefore, in a dispute concerning the repeal of the law. The permanent features of the law are the ones to which we object; because they cannot secure to the public adequate service at reasonable rates. We propose, therefore, that these permanent provisions, which now constitute the Esch-Cummins Law, should be repealed.

"What are these permanent provisions to which we object? They are the rate-making provisions, the excess-profits provisions, the Labor-Board provisions, the supervisory provisions, and the consolidation provisions. Each of these provisions operates to destroy adequate service at reasonable rates; and, therefore, we advocate that all of these provisions, that is, the entire law as it now exists, should be repealed.

"The rate-making provisions of the law operate to prevent adequate service at reasonable rates; for the law provides for a regional flat-rate, with exceptions in cases of obvious injustice. Now, if the regional flat-rate is based on average operating conditions, it will drive the poorer roads into bankruptcy. And, if it is based on the worst operating conditions, it will give all the better roads exorbitant rates that are unfair to the public. And, if it provides for exceptions, it will create numberless appeals for exception after exception, until all the rules of rate-making are thrown into chaos. A regional flat-rate based on operating costs will lead, furthermore, to inflated valuations of railroad properties, and to collusion with manufacturers of railroad supplies to boost the prices of materials, with the result that the

public will suffer from exorbitant rates. For all these reasons, therefore, we believe that the rate-making provisions of this law tend to prevent adequate service at reasonable rates.

"We believe, also, that the excess-profits provisions of the law operate to prevent adequate service at reasonable rates; for the law provides that all profits above a fixed per cent shall be turned over to the government to be given as loans to the needy roads. Now, such a provision, if it works at all, will injure, rather than help, the poorer roads; for it will lead them to abandon all initiative with the thought that their neglect will be made good by the government loans; and, when they have continued to rely on this source of funds indefinitely, they will become so heavily sunk in debt that no amount of initiative can extricate them. This provision, furthermore, destroys initiative in the better roads; for they will have no desire to earn money to be lent to poorer rivals; and they will always consider the operation of this clause in the law as amounting to confiscation. Among the better roads, therefore, this provision will result in extravagant expenditures and graft, with the effect that the public will continually suffer from exorbitant rates. For these reasons, the Affirmative maintains that this provision of the law is in every way detrimental, and should be repealed.

"The excess-profits provision, however, is no more detrimental than the Labor-Board provision; for this provision establishes a Labor Board with power to hear all disputes between railroad capital and railroad labor, with power to recommend a settlement, but no power to compel acceptance of its decisions. This board consists of three members representing capital, three representing labor, and three representing the public. Such a board cannot restore the morale of railroad labor, because it fails to give labor any

direct incentive to promote the welfare of the roads. It continues the idea of natural hostility between the two opposing forces. It, furthermore, leads labor to suspect the board of partiality to capital, because the representatives of the public are likely to be men of prominence who live on their investments and, therefore, have capitalistic sympathies. This board, moreover, will be utterly helpless in cases of violent disputes; because it cannot enforce its decisions on either capital or labor. This third important provision of the law cannot accomplish its purpose. It cannot secure to the public adequate service at reasonable rates; and, therefore, should be repealed.

"The fourth important provision of the law which strengthens and extends the supervisory powers of the Interstate Commerce Commission is, also, detrimental; for this provision overwhelms with duties the already heavily taxed Interstate Commerce Commission. It destroys all initiative of the private owners in improving the roads, because every project of theirs must be approved by men who, they think, have far less knowledge and sympathy for their needs than they have themselves. And, finally, this provision destroys all sense of responsibility in the management of the roads, because the managers can shift responsibility to the Interstate Commerce Commission or the Labor Board; and each of these bodies may then shift responsibility to the other body or back to the private managers. This portion of the law is utterly bad like all the rest, and should be repealed.

"The fifth and last fundamental provision of the law is one providing for permissive consolidation. Under this provision, consolidation and coöperation among the roads are not compulsory, but merely optional. Nothing could be more short-sighted than such a policy; for this policy

leads to consolidation and coöperation only among the better roads. The poorer roads are left to struggle for themselves; and they are the very roads that need assistance most. Consolidation and coöperation, after this fashion, will inevitably lead to the strangulation of the poorer roads; and they have no recourse, except to higher rates, which are fatal, and to government loans, which are equally fatal. This provision in the law, therefore, is one of its most objectionable features, and, with all the other provisions, should be repealed.

"The Affirmative, therefore, maintains that every one of the permanent, fundamental provisions of the Esch-Cummins Law should be repealed. The rate-making provisions should be repealed. The excess-profits provisions should be repealed. The Labor-Board provisions should be repealed. The supervisory provisions should be repealed. The consolidation provisions should be repealed. And, therefore, the whole law, as it now stands, should be repealed."

The first speaker for the Affirmative of a proposition experiences little difficulty in adopting the strategy of direct and overwhelming assault, provided he has a strong case to present; but the following speakers for the Negative always experience much greater difficulty, because they must first overcome the effect produced by the speaker who preceded them.

These speakers may employ this strategy, however, if, in their Introduction, they will only strike one quick, hard blow in refutation, and then proceed to let loose a perfect avalanche of points against the Affirmative in the form of objections to the proposition.

An illustration of the use of this strategy by the Negative may be taken from the opening speech of Patrick Henry

in the Virginia Convention for ratifying the Federal Constitution.[1] In this speech Henry opened his attack with the following extremely brief Introduction:

"Mr. Chairman," he said, "I wish I were possessed of talents or possessed of anything that might enable me to elucidate this great subject. I am not free from suspicion; I am apt to entertain doubts. I rose yesterday to ask a question which arose in my own mind. When I asked that question, I thought the meaning of my interrogation was obvious. The fate of this question and of America may depend on this. Have they said, *We, the States?* Have they made a proposal of a compact between States? If they had, this would be a confederation. It is otherwise most clearly a consolidated government. The question turns, Sir, on that poor little thing, — the expression, *We, the people*, instead of the States of America. I need not take much pains to show that the principles of this system are extremely pernicious, impolitic, and dangerous."

With such an Introduction, Henry then proceeded to pour down upon his opponents the following avalanche of points:

That, in some parts of the Constitution, the rights of freemen were endangered; in other parts, taken away.

That no guarantees were given for proper representation of the States in the House of Representatives.

That the right of trial by jury in civil cases was taken away, and in criminal cases not sufficiently secured.

That the army, provided for in the Constitution, would be an instrument of oppression.

[1] Denney, Duncan, McKinney, *Argumentation and Debate*, pp. 121–135.

That the method of amendment, provided for, made amendments practically impossible.

That the Constitution violated the spirit of democracy.

That, under its provisions, to punish Federal officials who violated their trust would be impossible.

That the Federal Government would deprive the States of their only means of defense against tyranny when it took over control of the State militia.

That the government as planned, would provide no effective checks and balances.

That its operation would result in oppression of the middle and the lower classes.

That it violated the provisions of the Virginia Bill of Rights.

That it reduced the powers of the States to nothing.

That it created a double system of taxation, which the people could not possibly endure.

That it provided a President who might easily make himself king.

That by giving Congress a control over the time, place, and manner of holding elections, it would destroy utterly the purpose of the franchise.

That it made possible a reckless expenditure of public money without any responsibility to the people.

These are only a few of the points used by Henry in his attack on the Constitution; but even this brief list may be sufficient to show the general nature of this kind of strategy. In this case, Henry employed the strategy of direct and overwhelming assault so effectively for the Negative, that, from the very outset, throughout the entire session of the convention, extending over twenty-three days, he maintained a continuous offensive against the advocates of the Con-

stitution, forcing them to follow him wherever he led, and constantly keeping them at bay, so that he alone, when pitted against the ablest statesmen of Virginia, almost brought about the rejection of the Constitution by that State.

Strategy of Taking over the Enemy's Positions. — The *second* common form of strategy in debate is that of *taking over the enemy's positions*. This strategy may be likened to the military strategy of seizing in advance all the positions that the enemy had expected to occupy, reversing their fronts, and from them directing a disconcerting and demoralizing fire on the opposing forces. This strategy, of course, compels the enemy to take up the defensive around points from which they had planned to launch a vigorous offensive.

To employ this strategy, a debater must anticipate the constructive proof that might be used against him; he must turn it about so that it tends to prove his own proposition rather than that of his opponent; and then, without any thought of meeting it in refutation, he must use it, himself, at the very outset in support of his own side of the proposition.

An illustration of the use of this strategy may be found in the development of the following case used in a college debate[1] on the proposition: That a system of direct popular election for the President of the United States should be substituted for the present method of election by means of the Electoral College.

In the first stages of developing a case to support this proposition, an Affirmative debater might consider the pur-

[1] From the case used by Dartmouth College debaters in the Dartmouth-Brown debate of 1918.

pose of this new plan to be to prevent the election of a President by less than a plurality of all votes. If the Affirmative debater developed his case around this central point, however, he would use no strategy, because his case would contain only what might be expected; but if, on the contrary, he considered the following strong objections to his proposition, and turned them about to support his side of the case, he would then be able to use this type of strategy.

Strong points that the Negative might expect to advance in this case are as follows:

I. A system of direct popular voting would discourage an accurate and full expression of public opinion; for
   A. Educational campaigns would be restricted more and more to populous districts.
   B. The voter would be less likely to go to the polls; for
      1. The individual ballot would have less weight than under the present system of election by means of the Electoral College.

II. It would threaten the peace and security of the country; for
   A. States with small populations would feel that their interest in the national administration would be reduced to a negligible quantity; and
   B. This opinion of their own insignificance would lessen their ties of allegiance to the government.

III. It would spread corruption in national elections; for
   A. It would cheapen the individual ballot.
   B. It would encourage the spread of bribery into districts hitherto not infected.

IV. It would coerce States against their inclination and their interests to liberalize their franchise; for

A. Under this new system, unless States did liberalize their franchise, they would have an influence in national elections far below their proportional importance in respect to population.

B. In some States, this liberalization would be most injurious; for

1. The Southern States in particular believe they have just reasons for excluding from the franchise large numbers of their people.

To take over the enemy's positions in this case, the Affirmative would revise its definition of the purpose of the proposition and contend from the very start that the express purpose of the proposition was to produce exactly opposite conditions to those represented in the objections, or to produce the same conditions, not as objectionable results, but as highly beneficial results. The Affirmative case, then, after the application of this strategy would appear as follows:

I. A system of direct popular voting would safeguard the peace and security of our country (see point II, p. 375); for

A. It would prevent the election of a President by less than a plurality.

B. It would encourage an accurate and full expression of public opinion (see point I, p. 375); for

1. Educational campaigns would be extended more and more (see point I *A*, p. 375); for

(*a*) All votes wherever recorded would have equal weight.

2. Voters would be more likely to go to the polls (see point I *B*, p. 375); for

(*a*) All votes wherever recorded would have equal weight.

C. It would discourage dissatisfaction in populous States arising from the present system of giving undue importance to non-populous States. (See point II *A* and II *B*, p. 375.)

D. It would discourage corruption (see point III, p. 375); for

1. It would discourage buying up a small block of voters in states now considered pivotal.
2. It would necessitate corruption on too large a scale to be practical.

E. It would coerce certain States to liberalize their franchise in order to promote their own best interests (see point IV, p. 375); for

1. The Southern States in particular are deceived in believing that they have just reasons for excluding from the franchise large numbers of their people. (See point IV *B* 1, p. 376.)

Strategy of Scattering the Enemy's Forces. — The *third* common form of strategy in debate is that of *scattering the enemy's forces*. When this strategy is used in conjunction with that of taking over the enemy's positions and with that of direct and overwhelming assault, it exerts a powerful influence toward throwing the enemy into utter confusion.

This form of strategy corresponds exactly to that of a military commander who challenges his adversary to engage in so many minor actions all along his front that it is absolutely impossible for him ever to concentrate his forces for a direct and overwhelming assault on any particular point.

To employ this strategy in debate, a speaker lays out for his opponent all the points that he must prove; and, then, in the Conclusion of his speech, he challenges his opponent to prove all these points or surrender his case. This strategy

becomes effective when the speaker purposely expands his list of challenges to include both main and subordinate issues all mixed in together; for, in this way, he is enabled to present to his opponent a list so long that all the points in it could never be considered thoroughly if the debate continued forever.

An example of this strategy may be found in the following conclusion taken from a speech delivered in a college debate[1] on the Negative of the proposition: That Illinois should establish an industrial court similar to that of Kansas:

"In this case," said the Negative speaker, "the Affirmative have assumed a tremendous burden of proof. If they hope to convince you of the truth of their proposition, they must establish beyond all doubt:

"That there is a pressing need in Illinois to justify the establishment of such a revolutionary tribunal;

"That the struggle between labor and capital in Illinois presents an alarming situation requiring drastic action;

"That there is an essential similarity between the labor situation in Kansas and the labor situation in Illinois;

"That labor disturbances in Illinois are as acute as in most other States of the Union;

"That there have been violent labor troubles in the last decade;

"That the labor movement in Illinois is dominated by a radical and unruly element;

"That Illinois at present has not sufficient machinery to cope with any labor disturbance;

"That arbitration and mediation in the past have failed to adjust disputes quickly and in a satisfactory manner;

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[1] From the case of a Knox College Freshman debater in the Knox-Illinois Freshman debate of 1921.

"That the State is powerless to protect property and private rights by recourse to the police, the National Guard, and the ordinary courts;

"That public opinion does not exert sufficient influence to compel the continuous operation of public service industries;

"That advanced labor laws in this State have not served to pacify labor; — and

"That tendencies toward industrial democracy do not promote peace between labor and capital.

"When the Affirmative has proved these points to your satisfaction — a thing, which we believe they cannot do — then we demand of them that they establish beyond all doubt:

"That the Kansas court has had sufficient trial to justify its adoption in Illinois;

"That it has been tested to show its permanence by some extreme case;

"That it will always be impartial both to capital and to labor;

"That it will not reflect the sympathies of either capital or labor;

"That it will be composed of men capable of rendering far-sighted decisions;

"That it will not be dominated by partisan politicians;

"That it will be held responsible for its decisions to the public at large;

"That it can enforce its decisions;

"That it can overcome the distrust of both labor and capital;

"That it can force labor to work against its will;

"That its power of arrest can deprive labor of all its leaders;

"That its power of attachment can remove all sources of funds from labor organizations within the State;

"That it can supply trained workers to break up strikes; — and

"That it can induce capital to remain within the State after an adverse decision;

"And this is not all we demand of the Affirmative; for we demand also that they demonstrate clearly:

"Why this court will not reduce labor to a condition of involuntary servitude;

"Why it will not promote the confiscation of private property without due compensation;

"Why it will not produce an unwarranted exercise of paternalism;

"Why it will not result in the abandonment of private enterprise to government ownership and operation;

"Why it will not result in the further entrenchment of corrupt political machines; — and

"Why, in serious cases, it will not sow the seeds of sedition and civil war.

"All this, we demand that the Affirmative shall prove to your complete satisfaction. We believe they cannot do so. If they fail, however, to establish each of these points we believe that they must, also, fail to establish their case."

Strategy of Retreat. — The *fourth* common form of strategy is that of *retreat*. This strategy corresponds to the strategy of a military commander who finds himself in a position that is exposed to attack on all sides and that offers only one or two points from which he may direct a successful defensive, or offensive, action. A commander, in such a situation, adopts the strategy of retreat; that is, he orders a retreat from every weak or untenable position, and con-

centrates his forces on points that give him the greatest advantage in coping with his adversary.

In debate, this kind of strategy consists in making sweeping admissions of what an opponent has labored to prove, saving only one or two points on which the speaker may rely, or shifting the whole dispute to other points not yet taken into consideration.

This form of strategy is always one of the most clever that a speaker may employ; but in cases when a debate has been spread out over a wide range of points that are perfectly unmanageable, then it is not only clever, but absolutely necessary.

The advantage gained by this kind of strategy is that an opponent is led to attack in full force position after position, only to find that these positions have been abandoned in advance and that he has wasted his time and his energy in simply beating the air.

Several illustrations of the way in which this strategy may be applied are given below in connection with the proposition: Resolved: That the United States should enact a Japanese exclusion law exactly similar to the Chinese exclusion law.

In a discussion of this proposition, the Negative would, of course, expect and demand that the Affirmative should prove the Japanese to be a menace in America. Then, when the Affirmative had proved that they were a menace socially, morally, politically, and industrially, the Negative might admit this fact, and contend that present laws and diplomatic agreements were taking care of the situation.

If the Affirmative proved that the Japanese were a menace and that the present laws and diplomatic agreements were inadequate, the Negative might admit both these facts, and contend that the proposed legislation was futile.

If the Affirmative proved that the Japanese were a menace, that present laws and diplomatic agreements were inadequate, and that the exclusion measure would reduce the menace; the Negative might admit all three of these points, and contend that the measure would do much more harm than good; or the Negative might admit all three of these points, and contend that a policy of opening up some new territory in the Orient for Japan's surplus population would do much more good and much less harm.

All these instances, it will be noted, are given in connection with Negative cases, and indicate that this kind of strategy is much more practical for the Negative than for the Affirmative. An Affirmative speaker can, however, employ this strategy to a certain extent; as, for example, in the case above, he could admit that his proposition entailed certain harmful consequences, and that the Negative's proposition would do some good; and then contend that the Affirmative plan contained more good and less harm than the plan that the Negative would substitute for it.

Strategy of Skirmishing.—The *fifth* common form of strategy is that of *skirmishing*. This strategy is like that of a military commander who realizes that his main position is weak, and who, therefore, seeks to engage his enemy in numerous minor actions on outlying positions, with the hope that, in this way, he may be able to shift his position, or at least divert the enemy from any concentrated attack on his point of greatest weakness.

In debate, this strategy is employed to accomplish essentially the same purpose. It is the strategy of a weak case; and consists usually in shifting the discussion from proposition to proposition, or from the real issues under a proposition to considerations of an entirely personal nature.

To illustrate how this strategy is sometimes employed, we have the anecdote of a young lawyer who presented to his senior partner a trial-brief for criticism; and, when he received it back again, he found this comment on it: "No case. Abuse the opposing counsel."

An instance of the use of this strategy is found in one of the greatest debates in American history, the famous debate between Hayne and Webster. This debate started with a discussion of a resolution introduced into the Senate by Senator Foote of Connecticut, who proposed to establish a committee of inquiry into the sales and surveys of Western lands. The main debate on this resolution was opened by Senator Benton of Missouri, who immediately departed from the subject of the resolution and entered on a labored attack against New England; and, when Benton had finished, the debate was continued by Hayne of South Carolina, who carried further Benton's charges against New England. Webster, then, gave his first reply to Hayne; and Hayne came back in rejoinder. By this time, the original resolution had almost entirely dropped out of the controversy, and Hayne had plainly resorted to the strategy of skirmishing with the hope of shifting the question to a consideration of South Carolina's doctrine of Nullification, and with the hope, also, of discrediting forever both Webster and the whole section of the country that he represented.

In carrying out the strategy of skirmishing, Hayne said almost nothing about the Foote Resolution, and engaged Webster in all the following points of controversy before he turned finally to the question of Nullification. The points raised by Hayne in skirmishing were: [1]

1. That Webster wished to postpone the debate through fear of what Hayne had to say.

[1] Johnston and Woodburn, *American Orations*, I, pp. 233–247.

2. That Webster could not meet the arguments of Hayne when and where they were advanced.
3. That Webster chose to attack Hayne because Webster knew he was no match for Benton.
4. That Webster was seeking to interfere with the slave-system of the South.
5. That Webster was inconsistent in his policy concerning the Western lands.
6. That Webster wished to increase the growing burden of the national debt.
7. That Webster wished to consolidate the Union by taking away further powers from the States.
8. That the policy of New England in respect to Western lands had been dictated by selfish political and economic interests.
9. That New England had been the source of all the oppressive measures for a protective tariff and internal improvements.
10. That New England had held opinions on Nullification as dangerous as those now held by South Carolina.

The strategy of skirmishing employed by Hayne in this way was entirely successful, in that it did shift the grounds of controversy continually from one proposition to another, and in that, for the time being, it did tend to discredit Webster and New England before the Senate; but Webster was too powerful an antagonist to be overcome by mere skirmishing. He did what almost no other man could do; for he took up one by one each of the points raised by Hayne and crushed it forever; and, then, pinning Hayne down to the one proposition about Nullification, he proceeded to demolish that also with a direct and overwhelming assault.[1]

[1] Johnston and Woodburn, *American Orations*, I, pp. 248–302.

Strategy of Drawing the Enemy's Fire. — The *sixth* common form of strategy is that of *drawing the enemy's fire.* In actual warfare, this strategy is employed when a commander realizes that his main position is strong, when he refuses to become engaged in minor actions on outlying positions, and when he invites the enemy to attack him where he stands or not at all. In other words, this strategy is the kind usually employed to counteract the strategy of skirmishing.

To employ this strategy in debate, a speaker simply makes plain to his audience that his opponent is very obviously trying to dodge the question, and then he challenges him so plainly to meet his case as he presents it, that further skirmishing is impossible.

An instance of the use of this strategy is found in the speech delivered by Webster in the *White Murder Case,* when he said:

"We wish nothing to be strained against the defendant. Why, then, all this alarm? Why all this complaint against the manner in which the crime is discovered? The prisoner's counsel catch at supposed flaws of evidence, or bad character of witnesses, without meeting the case. Do they mean to deny the conspiracy? Do they mean to deny that the two Crowninshields and the two Knapps were conspirators? Why do they rail against Palmer, while they do not disprove, and hardly dispute, the truth of any fact sworn to by him? Instead of this, it is made matter of sentimentality that Palmer has been prevailed upon to betray his bosom companions and to violate the sanctity of friendship. Again I ask, Why do they not meet the case? If the fact is out, why not meet it? Do they mean to deny that Captain White is dead? One would have almost supposed even that,

from some remarks that have been made. Do they mean to deny the conspiracy? Or, admitting a conspiracy, do they mean to deny only that Frank Knapp, the prisoner at the bar, was abetting in the murder, being present, and so deny that he was a principal? If a conspiracy is proved, it bears closely upon every subsequent subject of inquiry. Why do they not come to the fact? Here the defense is wholly indistinct. The counsel neither take the ground, nor abandon it. They neither fly, nor light. They hover. But they must come to a closer mode of contest. They must meet the facts, and either deny or admit them. Had the prisoner at the bar, then, a knowledge of this conspiracy or not? This is the question. Instead of laying out their strength in complaining of the *manner* in which the deed is discovered, of the extraordinary pains taken to bring the prisoner's guilt to light, would it not be better to show there was no guilt? Would it not be better to show his innocence? They say, and they complain, that the community feel a great desire that he should be punished for his crimes. Would it not be better to convince you that he has committed no crime?" [1]

Strategy of Bottling-Up the Enemy. — The *seventh* common form of strategy is that of *bottling-up the enemy.* This strategy corresponds to that of a military commander who lures his adversary into a trap from which there is no escape.

To employ this strategy in debate, a speaker must, first, discover a dilemma [2] in his opponent's case, and then he must force his opponent into this dilemma by challenging him so conspicuously to face it that there is no possibility of his

[1] Shurter, *Masterpieces of Modern Oratory*, pp. 75–76.

[2] See pages 130–134.

escaping. To make such a challenge effective, the debater should always place it at the very end of his speech.

One of the most successful instances in which this strategy was ever used occurred in a debate between Governor Allen of Kansas and Samuel Gompers of the American Federation of Labor when they discussed in Carnegie Hall, New York, the question of whether or not a law preventing strikes, such as the law establishing the Kansas State Industrial Court, was an infringement upon the inalienable rights of every individual workman.

The *New York Times* of May 29, 1920, gives the following graphic account of the manner in which Governor Allen employed this strategy:

"In summing up his side of the controversy, Governor Allen asked the following question, which Gompers failed to answer:

"'When a dispute between capital and labor brings on a strike affecting the production or distribution of the necessaries of life, thus threatening the public peace and impairing the public health, has the public any rights in such a controversy, or is it a private war between capital and labor?

"'If you answer this question in the affirmative, Mr. Gompers, how would you protect the rights of the public?

"'And in addition, I wish him to define for us, if he will, who had the divine right to forbid the switchmen to strike in their outlaw strike; who controls this divine right to quit work?'

"'If I had time, I would answer that question,' Mr. Gompers replied.

"'You can't; you can't,' voices cried in all parts of the hall.

"'I will prove to you that I can, if I live long enough,' Mr. Gompers said. 'Let me say this: an innocent child can ask more questions of his father —'

"'Answer it; answer,' came the cries.

"'The Governor's adherents are ladies and gentlemen,' retorted Mr. Gompers sarcastically. 'I shall try to meet the Governor's statements as best I can.'"

In this debate, Governor Allen plainly bottled up his opponent; because, if Gompers answered that the public did have some rights to interfere in such a controversy, then of course he would have to admit that the right of labor to strike was not altogether inalienable, and that the public's right would have to be exercised by some such governmental agency as the Kansas Industrial Court. If, however, Mr. Gompers answered that the public had no right to interfere with labor's right to strike, because this right was inalienable, then, of course, he would have to explain why he, himself, had tried to interfere with that inalienable right in the recent switchmen's strike which he himself had denounced and forbidden. By Allen's cleverly framed questions, Gompers was obliged either to admit his opponent's case, or set himself up as a dictator in this country with divine authority superior to that of the government and sufficient even to destroy those rights which he himself said were inalienable.

An opportunity to thrust an opponent into such a dilemma as this is not often given; but, when it is, it should be seized immediately and pressed against an opponent ruthlessly and persistently until he admits that he is beaten.

The one great caution that must be observed in attempting to employ this kind of strategy is that the debater must know in advance all possible answers that may be given to

his challenge; and he must know also that whatever answer is chosen by his opponent will operate to destroy his opponent's position. If this caution is not observed, the debater's challenge may be met with a crushing reply; and then the debater is in a much worse position than if he had not tried to use any strategy at all.

Strategy of Evading Traps. — The *eighth* common form of strategy is that of *evading traps*, and is intended to counteract the previous strategy of bottling-up an enemy.

To employ this strategy, a debater may employ any one of the five following devices. He may:

1. Ignore the Trap;
2. Substitute a Harmless Trap for the Real One;
3. Reverse the Trap against His Opponent;
4. Break Down One Side of the Trap; or
5. Find a Loophole in the Trap.

In the great series of debates between Lincoln and Douglas during their campaigns for the Senate in 1858, we find instance after instance of the way in which each of these wary debaters employed this strategy to evade traps that his opponent had set for him.

One of the chief objects of both the speakers in these debates was to put his opponent in a position where he would lose the support either of the pro-slavery faction in one part of Illinois or of the anti-slavery faction in another part of Illinois. Pursuing this policy, therefore, each put to the other as many embarrassing questions as he could.

One of Douglas's questions for Lincoln to answer was: *If he were elected to the Senate, would he vote for the admission of any more slave States, in the event the people wanted them?* Now an answer to this question in the affirmative would have

alienated the anti-slavery, Abolition faction in northern Illinois, and an answer in the negative would have alienated the pro-slavery faction in southern Illinois. Lincoln saw the trap plainly, and, very much to the disgust of Judge Douglas, *ignored* it completely while speaking in northern Illinois and then tried another means of evasion when he spoke in southern Illinois.

Lincoln's second means of evading this trap was to *substitute a harmless one in its place*, which he could easily dispose of. This he did by revising completely the case put to him in the question of his opponent, and then giving his answer to fit the case that he himself had invented. Instead of answering directly the case put by Douglas, Lincoln said:[1]

"I state to you freely, frankly, that I should be exceedingly sorry to ever be put in the position of having to pass upon that question. I should be exceedingly glad to know that there never would be another slave State admitted into this Union. But I must add, in regard to this, that if slavery shall be kept out of the territory during the territorial existence of any one given territory, and then the people should, having a fair chance and a clear field, when they come to adopt a constitution, if they should do the extraordinary thing of adopting a slave constitution, uninfluenced by the actual presence of the institution among them, I see no alternative, if we own the country, but we must admit it into the Union."

By substituting his own case for the case presented to him in the question given by Douglas, Lincoln evaded both horns of Douglas's dilemma, and seized the opportunity to state once more his original position of condemning

[1] Denney, Duncan, McKinney, *Argumentation and Debate*, p. 246.

the policy of Douglas in respect to the admission of Kansas.[1]

Both Lincoln and Douglas were very fond of the method of evasion by which they might *reverse a trap against the one who set it;* that is, the method of asking an opponent to answer his own questions. Lincoln, for example, asked Douglas: *If the people of Kansas should form a constitution by means entirely proper and unobjectionable, and ask admission as a State, before they had the requisite population for a member of Congress, would he vote for that admission?* And Douglas replied:

"Well now, I regret exceedingly that he [Lincoln] did not answer that interrogatory himself before he put it to me, in order that we might understand, and not be left to infer, on which side he is." [2]

In a similar case, Douglas asked Lincoln the question: *Why he could not let the country remain part slave and part free, as the fathers of the government made it.* And Lincoln answered by saying:

"He asks a question based upon an assumption which is itself a falsehood; and I turn upon him and ask him the question, when the policy that the fathers of the government had adopted in relation to this element among us was the best policy in the world, the only wise policy, the only policy that we can ever safely continue upon, that will ever give us peace, unless this dangerous element masters us all and becomes a national institution — *I turn upon him and ask*

[1] Denney, Duncan, McKinney, *Argumentation and Debate,* pp. 245-248.

[2] Johnston and Woodburn, *American Orations,* III, p. 185.

him why he could not leave it alone. I turn and ask him why he was driven to the necessity of introducing a *new policy* in regard to it." [1]

One of the cunningly put questions of Lincoln to Douglas in these debates was: *If the Supreme Court of the United States should decide that a State of this Union could not exclude slavery from its own limits, would Douglas submit to it?* Lincoln thought that if Douglas answered in the affirmative, then he would have to retract his doctrine of Popular Sovereignty, and if he answered in the negative, then he would be a rebel to the recognized authority of the Federal Government; but Douglas shrewdly answered by *breaking down one side of the trap,* or one of the horns of the dilemma, in the following way:

"I am amazed that Mr. Lincoln should ask such a question. Mr. Lincoln's object is to cast an imputation upon the Supreme Court. He knows that there never was but one man in America, claiming any degree of intelligence or decency, who ever for a moment pretended such a thing. It is true that the Washington *Union*, in an article published on the 17th of last December, did put forth that doctrine and I denounced the article on the floor of the Senate. . . . Mr. Lincoln knows that reply was made on the spot, and yet he now asks this question! . . . *He casts an imputation upon the Supreme Court of the United States, by supposing that they would violate the Constitution of the United States. I tell him that such a thing is not possible.* It would be an act of moral treason that no man on the bench could ever descend to. Mr. Lincoln himself would never, in his partisan feeling, so far forget what was right as to be guilty of such an act." [2]

[1] Denney, Duncan, McKinney, *Argumentation and Debate,* p. 272.
[2] Johnston and Woodburn, *American Orations,* III, p. 190.

In the preceding instance, Douglas showed how he could break down a trap set for him by Lincoln; and, in the following instance, Lincoln showed how he could *find a loophole in the trap* set for him by Douglas. When Douglas asked Lincoln and his audience whether they would prefer to exclude negroes from the equality attributed to all men under the Declaration of Independence; or whether they would prefer to admit them to such an equality, and vote, and eat, and sleep, and marry with them; Lincoln promptly discovered a loophole in the trap, or a third harmless horn of the dilemma, and replied:

"Now I protest against the counterfeit logic which concludes that because I do not want a black woman for a slave, I must necessarily want her for a wife. I need not have her for either. I can just leave her alone." [1]

All of the five different methods, explained here, for evading traps set by one's opponent may, at some time or other, prove useful to a debater. Whenever a trap has been sprung in the middle of an opponent's speech, and has never made a deep impression on the audience, or has been forgotten by them, then the debater may employ the method of ignoring it altogether. If, however, the trap is sprung at the end of an opponent's speech, then it can be ignored only by promising to answer it later on in the course of the argument and then by forgetting all about it. The best way, however, to dispose of a trap sprung at the very end of a speech is to answer it immediately by substituting a harmless trap for the real one; by reversing the trap against one's opponent; by breaking down one side of the trap; or by finding a loophole in it.

[1] Johnston and Woodburn, *American Orations*, III, p. 162.

Strategy of Concealed Objective. — The *ninth* common form of strategy is that of a *concealed objective.* This kind of strategy may be likened to that of a military commander, who advances first here and then there, never giving his adversary any indication regarding what position he intends eventually to occupy, and, therefore, giving him no opportunity to plan a systematic and orderly defense, but always advancing and steadily gaining ground from the enemy until at last he is ready to close in upon him and demand his surrender.

This strategy in debate is generally employed when a speaker faces a hostile or prejudiced audience. It consists in suppressing the partition in the Introduction of the speech, and in withholding each main point, or even the proposition, until all the evidence and argument have been presented to uphold it. No strategy is more baffling than this to overcome; and none requires greater skill, perseverance, and insight to be carried out to a successful conclusion.

One of the most remarkable instances of the use of this strategy is found in the last speech of John C. Calhoun on the *Slavery Question*, a speech delivered in the United States Senate on March 4, 1850, during the debates on Clay's *Compromise Measure*, then before Congress.[1] An outline of this speech is given below, showing how Calhoun concealed each of his main points and his proposition until the proof for each had been given. The outline of this speech contains the following order of points:

Introduction

I. I have believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion; and

[1] Bradley's *Orations and Arguments*, pp. 271–297.

II. I have repeatedly asked for the adoption of some measure to prevent such a disaster; but
III. This agitation has been permitted to proceed with almost no attempt to resist it; and
IV. Now the Union is endangered; and
V. You have forced upon you the question — How can the Union be preserved?

Discussion

I. To give a satisfactory answer to this question, we must first inquire — What is it that has endangered the Union?
   A. To this question there is but one answer — The universal discontent of the Southern section with the Union; and
   B. What has caused this universal discontent?
      1. It was not caused by demagogues and politicians; but
      2. It was caused by the long-continued agitation against slavery; and
      3. Back of this cause, the great and primary cause is that the old equilibrium between the North and the South has been destroyed.
      4. The South would not complain of this destruction of the equilibrium between the two sections, if this had been the result of the operation of time; but
      5. The South does complain of this, because it was due to interference on the part of the government; for
         (*a*) The government has excluded the South from common territory belonging to all the States; and

(*b*) The government has taxed the South disproportionately for the benefit of the North; and

(*c*) The government has radically changed from its original character; and

6. The South does complain of this, because

(*a*) The North has been given a predominance in every department of the government; and

(*b*) With this predominance, the North can sacrifice the interests of the South whenever the interests of the two sections conflict; and

(*c*) The interests of the two sections do conflict; for

(1) Every portion of the North is more or less hostile to slavery; and

7. This agitation against slavery has grown from insignificance to a position in which it may threaten the institution in the South; for

(*a*) It has begun to shape the policies of both political parties;

(*b*) It has demanded the admission of no more slave States; and

(*c*) Unless it is checked, nothing will prevent its demand for the abolition of slavery in the South.

C. This agitation against slavery has already broken many of the bonds that tie the Union together, and is weakening many others; for

1. It has broken many ties through common religious denominations; and
2. It is breaking many ties through common political parties; and
3. It is leaving only the tie of force and subjugation.

II. Since, now, I have explained what endangers the Union, let us see how the Union can be saved.

A. To this question there is but one answer — By adopting measures that will satisfy the South that it can remain in the Union consistently with its honor and its safety.

B. The Union cannot be saved by merely pronouncing eulogies upon it;

C. Nor can it be saved by invoking the name of the great Virginian, George Washington;

D. Nor can it be saved by Clay's *Compromise Measure;*

E. Nor can it be saved by the plan proposed by the Administration.[1]

III. Having now shown you what cannot save the Union, I return to the question with which I commenced — How can the Union be saved?

A. There is but one way, and that is by a full and final settlement of all issues between the two sections on the principle of justice.

1. The South will not compromise.
2. The settlement must remove the cause of the discontent.

B. But can this be done? — Yes; but not by the South: the North must do it.

1. The North must concede to the South an equal right in the territories acquired by means of the Mexican War;
2. The North must do her duty by fulfilling stipulations about fugitive slaves;
3. The North must cease its agitation of the slavery question; and

[1] A modified form of the *Wilmot Proviso.*

4. The North will have to restore the old equilibrium in the government between the two sections.

Conclusion

I. But will the North agree to this?
   A. She cannot refuse unless her love of power and aggrandizement is greater than her love for the Union.

II. The responsibility for saving the Union rests on the North and not on the South.

III. If the North refuses to settle this question on the basis of justice and duty, then let the two sections separate and depart in peace; or

IV. If the North is unwilling that the South should depart in peace, let it say so, in order that the South may know how to act when the question is reduced to one of submission or resistance.

V. I have now done my duty toward preserving the Union; and, whatever may come, I am now free from responsibility.

From this mere outline of Calhoun's speech, it will be noted how he advanced point by point irresistibly to his conclusion, and yet how he concealed completely, until the very end, just what the nature of his own recommendation was to be. No better illustration can be found anywhere of the strategy of a concealed objective.

Strategy of Withholding Reserves. — The *tenth* and last common form of strategy is that of *withholding reserves*. This strategy is like that of a military commander who refuses, at first, to reveal his full strength, thereby inspiring his enemy with overconfidence, and leading him on to an

attack in which he is doomed to be crushed by the overwhelming forces of his adversary that have been held in reserve to accomplish that express purpose.

This strategy, as it is employed in debate, is best suited to the Affirmative; although, in certain cases, when the Negative offers a substitute proposal, it may be used with less advantage by the Negative also.

In order to use this strategy, a debater must, at first, omit the proof of some one of the vital issues under his proposition; and, thereby, lead his opponent to challenge him to produce this proof, and taunt him with inability to produce it, and finally say that such proof cannot be produced, and that, therefore, he has lost his case. When, by this means, attention has been drawn dramatically to this phase of the case, and when the Affirmative comes on for the last speech in the debate, it, then, expresses surprise that so much has been made of this matter, inasmuch as it had thought this point too obvious to require proof; but, in answer to the repeated challenges of its adversary, it will undertake to prove this point beyond the possibility of a doubt. With such an Introduction, the Affirmative then proceeds to cover this point with a perfect avalanche of proof, which its opponent has no opportunity to refute.

An illustration of the use of this strategy may be found in the following method of presenting the Affirmative's case on the proposition: That the United States should adopt a policy of forcing immigrants from agricultural communities to settle on farms in this country.

The Affirmative might present its case on this proposition by showing at first:

I. That the farms in America are in dire need of laborers who were qualified to develop their resources; for

A. In many sections, farms are being abandoned altogether by the natives; and

B. In many other sections, farms are not being developed to their full capacity; because

1. Farm laborers cannot possibly be secured; and

II. That immigrants now are becoming a menace to the country; because

A. They are settling in big cities; and

B. There, they become a menace to the public health and morals by being huddled together in unsanitary tenements; and

C. There, they become victims of unscrupulous employers and popular demagogues; and

D. There, they never become Americanized; because

1. They live in segregated foreign settlements; and

E. There, they are able to organize conspiracies against our form of government; and

III. That by placing these agricultural immigrants on the farms, all these evils would be remedied; for

A. Abandoned farms would be reclaimed;

B. Occupied farms could be worked to their full capacity;

C. Public health and morals in the big cities would be improved;

D. Many immigrants would be rescued from the fraudulent schemes of unscrupulous employers and popular demagogues;

E. Foreign settlements in the cities would be reduced; and

F. Conspiracies against the government would be made more difficult to organize.

In this first presentation of the Affirmative's case, it is obvious that no proof has been offered to show that the

scheme would be practical; that immigrants could be forced to settle on the farms; and so the Negative would be inclined to admit all that the Affirmative has said; but challenge the Affirmative to show how the scheme was to be carried out, and taunt the Affirmative with being unable to produce a practical working-scheme, and finally say that this is impossible, and that the Affirmative, therefore, has failed to establish its case.

In reply to such a challenge, the Affirmative, in its last speech when the Negative has no opportunity for refutation, might then outline some plausible scheme to accomplish this purpose, and thereby crush the whole case of its adversary.

This kind of strategy is usually regarded as the meanest type of strategy that a debater may use; but no strategy, nevertheless, is more commonly used; and no strategy has been responsible for more victories that are entirely unexpected.

To meet this strategy, the Negative has no recourse, but to point out plainly to an audience that its challenges have not been answered and will not be answered, until all further opportunity for discussion on the part of the Negative is gone. Under such circumstances, therefore, the Negative asks the audience, either not to consider the reply that is made, or to withhold their judgment until an opportunity for refutation is provided for the Negative.

Summary of the Subject of Strategy. — When a student of debate has become proficient in the practice of his art, he may find many other different kinds of strategy that can be used against him, or for him, besides those enumerated here; but, in any case, until he has learned, both how to use, and how to overcome, each of these ten common kinds of strategy,

he is ill equipped to meet opponents whom some day he will be called upon to face. Every debater should be able, therefore, to employ the strategy of direct and overwhelming assault; of taking over the enemy's positions; of scattering the enemy's forces; of retreat; of skirmishing; of drawing the enemy's fire; of bottling-up the enemy; of evading traps; of concealed objective; and of withholding reserves.

Conclusion. — The use of strategy in debate represents the very highest point of accomplishment that may be reached in the debater's art. Success in debate, however, though sometimes it depends on strategy, seldom depends on strategy alone; for strategy is merely the culminating process of all the more fundamental processes involved in proof, in building the case, and in applying principles of conviction, persuasion, and speech-composition.

The more one studies the art of debate, the more one feels that it is an art of the most composite nature, demanding a thorough knowledge of principles derived from a great variety of sources — from the basic sciences of law, logic, and psychology, and from the contributory arts of rhetoric and oratory; and the more one feels, also, that it is an art in which skill must be developed, not in any one of its parts alone, but in each and all alike.

The one concluding caution that must be left, therefore, with every student of this subject is that he must not aspire to become a great debater overnight; but must expect, rather, to acquire proficiency, only through patient, persevering, painstaking practice on detail after detail, with reverse after reverse, but always learning from his mistakes, until, at last, he is able to maintain his views of right and wrong, or truth and falsehood, against all antagonists who are likely to oppose him.

APPENDICES

APPENDIX A

Suggested Course of Study

(*References are to pages*)

The following course of study consists of ninety exercises, arranged for school or college classes numbering sixteen students and meeting three times per week throughout an academic year of thirty weeks.

This course is broken at convenient intervals for written hour examinations; and the break between semesters, for those whose school terms are arranged on this basis, is clearly marked.

The course is also so arranged that, if the teacher does not wish to adopt it as a whole, he may readily find appropriate exercises for selected chapters under the titles of the chapters as they are inserted in the outline.

All assignments in this outline that are printed in italics are intended to be written exercises prepared outside the class and placed in the hands of the instructor at the time the class meets.

The written quizzes mentioned in the outline are intended to be five-minute quizzes involving not more than one or two questions.

The informal debates are discussions on subjects taken from current events as they are treated in newspapers or magazines of the passing week or month. They should be led by one student of the class against the instructor and all the rest of the class. For these debates each student should be ready to uphold some proposition of his own choice, on which he assumes a burden of proof. Each student on the occasion for these debates should hand in a proposition in writing with a series of main heads under it that constitute the outline of a speech he is prepared to give.

The formal debates are discussions in which two students debate each other under strict time limitations for both their main speeches and their rebuttals, and for which both prepare carefully by drawing full briefs and by taking special pains with the organization and expression of their thoughts in their speeches. These debates should generally be followed by informal debates on the subject under discussion, in which all members of the class should be expected to participate. This informal debating may be prompted by asking members of the class to tell from the platform which of the debaters was right and why.

Outline

The Nature of Debate

EXERCISE 1.

A. Announcements.

B. Class discussion led by instructor to develop subject of *The Nature of Debate*, 1–7.

Choosing the Subject

EXERCISE 2.

A. Written quiz on *The Nature of Debate.*

B. Review text, *The Nature of Debate*, 1–7.

C. Advance text, *Choosing the Subject*, 8–22.

EXERCISE 3.

A. Review text, *Choosing the Subject*, 8–22.

B. *With another member of the class who will be your opponent, select and phrase a proposition of policy on which you both will write an original brief later in the course.* For assistance, consult Appendix B.

C. Criticize and improve, if possible, the debate propositions in Appendix C.

Assembling the Proof

EXERCISE 4.

A. Written quiz on *Choosing the Subject.*

B. Advance text, *Assembling the Proof,* 23–34.

EXERCISE 5.

A. Review text, *Assembling the Proof,* 23–34.

B. Bring to class four chains of reasoning leading up to the proposition chosen for your original brief, each chain involving a series of at least five subheadings.

Making the Speech

EXERCISE 6.

A. Written quiz on *Assembling the Proof.*

B. Advance text, *Making the Speech,* 35–48.

EXERCISE 7.

A. Review text, *Making the Speech,* 35–48.

B. Bring to class a serviceable bibliography on the proposition chosen for your original brief, made according to the suggestions for composing a bibliography in the chapter on Assembling the Proof.

[EXAMINATION]

EXERCISE 8.

A. Written hour examination on:

The Nature of Debate, 1–7.
Choosing the Subject, 8–22.
Assembling the Proof, 23–34.
Making the Speech, 35–48.

Evidence

EXERCISE 9.

A. Advance text, *Evidence,* 49–60.

Exercise 10.

A. Written quiz on *Evidence.*

B. Review text, *Evidence,* 49–60.

C. Advance text, *Evidence,* 60–72.

D. Bring to class examples of the use of each class of evidence drawn from Appendix D. Write each piece of evidence in the form of a subhead to the point it supports and mark against it the class of evidence it represents.

Exercise 11.

A. Informal debate.

Exercise 12.

A. Review text, *Evidence,* 60–72.

B. Give an example of the application of each test for evidence employed in material presented in Appendix D. Adopt the following plan for presenting your examples:

(Name of Test Applied)

1. Statement of evidence tested, page . . . lines . . .
2. Statement of fact used in test, page . . . lines . . .

Argument

Exercise 13.

A. Advance text, *Argument,* 73–83.

Exercise 14.

A. Informal debate.

Exercise 15.

A. Written quiz on *Argument.*

B. Test each of the arguments given in Appendix E, by the rules and diagrams for the categorical syllogism.

C. Bring to class two original and valid categorical syllogisms, one having an affirmative conclusion and the other a negative conclusion, with a circular diagram for each showing its validity.

Exercise 16.

A. Advance text, *Argument,* 83–91.

B. Bring to class one example of the disjunctive syllogism and one example of the hypothetical syllogism taken from the brief of Burke's Case, on 228–245.

Exercise 17.

A. Informal debate.

Exercise 18.

A. Review text, *Argument,* 83–91.

B. Select from the brief of Burke's Case, on 228–245, *and bring to class, an example of each of the following types of argument:*

Generalization
Classification
Authority
Antecedent Probability
Sign

Exercise 19.

A. Written quiz on *Argument.*

B. Bring to class a weak argument from antecedent probability and a weak argument from sign discovered by you in any text, newspaper, magazine, class discussion, or conversation; and point out in reference to each the test it fails to meet.

Exercise 20.

A. Informal debate.

Exercise 21.

A. Advance text, *Argument,* 91–104.

B. Bring to class four arguments connected with the subject chosen for your original brief, representing respectively:

Perfect Induction
Imperfect Induction
Literal Analogy
Figurative Analogy

Fallacy

Exercise 22.

A. Written quiz on *Argument.*
B. Advance text, *Fallacy,* 105–114.

Exercise 23.

A. Informal debate.

Exercise 24.

A. Review text, *Fallacy,* 110–114.
B. Advance text, *Fallacy,* 114–119.
C. Bring to class two fallacious arguments taken from newspapers, magazines, class discussions, or conversations: each argument illustrating a different type of the general fallacy of non-sequitur. Point out and demonstrate the existence of the particular fallacy alleged to be involved in each argument. This demonstration should be arranged as proof in the form of a syllogism expressed in heads and subheads.

Exercise 25.

A. Written quiz on *Fallacy.*
B. Point out and demonstrate the existence of a particular fallacy in reasoning contained in the selections given in Appendix F.

Exercise 26.

A. Informal debate.

Refutation

Exercise 27.

A. Advance text, *Refutation,* 120–134.

EXERCISE 28.

A. Review text, *Refutation,* 120–134.

B. Bring to class an example of each of the four special devices for refutation with the proof arranged in the form of heads and subheads.

EXERCISE 29.

A. Informal debate.

[EXAMINATION]

EXERCISE 30.

A. Written hour examination on:

Evidence, 49–72.
Argument, 73–104.
Fallacy, 105–119.
Refutation, 120–134.

Defining the Terms

EXERCISE 31.

A. Advance text, *Defining the Terms,* 135–145.

EXERCISE 32.

A. Review text, *Defining the Terms,* 135–145.

B. Define by three different methods one of the terms in the proposition chosen for your original brief.

C. So far as possible define each of the six methods of definition by each of the six methods.

EXERCISE 33.

A. Informal debate.

Surveying the Proof

EXERCISE 34.

A. Advance text, *Surveying the Proof,* 146–165.

Exercise 35.

A. Review text, *Surveying the Proof*, 146–165.

B. Advance text, *Surveying the Proof*, 165-171.

C. *Bring to class a diagram representing the first four Phases of the problem under the proposition chosen for your original brief. Draw off from the diagram the main points represented in the first four Phases.*

D. Be ready to discuss before the class the points drawn off from the diagram.

Exercise 36.

A. Informal debate.

Exercise 37.

A. Review text, *Surveying the Proof*, 150–171.

B. *Each student will hand in a brief-outline of all the proof necessary to establish his contention on one of the first four Phases of his case in connection with the proposition for his original brief.*

C. Be ready to discuss before the class any of the points corresponding to the first four Phases of the case.

Exercise 38.

A. Review text, *Surveying the Proof*, 150–171.

B. *Bring to class a diagram representing the first seven Phases of the problem under the proposition chosen for your original brief. Draw off from the diagram the main points represented in the first seven Phases.*

C. Be ready to discuss the points drawn off from the diagram.

Exercise 39.

A. Informal debate.

Exercise 40.

A. Review text, *Surveying the Proof*, 150–171.

B. Advance text, *Surveying the Proof*, 171–177.

C. Each student will hand in a brief-outline of all the proof necessary to establish his contention on one of the Phases from V to VII in connection with the proposition for his original brief.

D. Be ready to discuss before the class any of the points corresponding to Phases V to VII in the case.

Exercise 41.

A. Review text, *Surveying the Proof,* 171–177.

B. Bring to class a diagram representing the first eleven Phases of the problem under the proposition chosen for your original brief. Draw off from this diagram the main points represented in the first eleven Phases.

C. Be ready to discuss the points drawn off from the diagram.

Exercise 42.

A. Informal debate.

Exercise 43.

A. Review text, *Surveying the Proof,* 171–177.

B. Advance text, *Surveying the Proof,* 177–184.

C. Each student will hand in a brief-outline of all the proof necessary to establish his contention on one of the Phases from VIII to XI in connection with the proposition for his original brief.

D. Be ready to discuss before the class any of the points corresponding to Phases VIII to XI in the case.

Exercise 44.

A. Review text, *Surveying the Proof,* 146–184.

B. Bring to class a diagram representing all fifteen Phases of the problem under the proposition chosen for your original brief. Draw off from the diagram the main points represented in all these fifteen Phases.

C. Be ready to discuss the points drawn off from the diagram.

Exercise 45.

A. Informal debate.

Note. — In courses arranged to meet three times a week on a semester basis, the break between the first and second semesters will come at this point.

Finding the Issues

Exercise 46.

A. Advance text, *Finding the Issues*, 185–202.

Exercise 47.

A. Review text, *Finding the Issues*, 185–202.

B. *Make a complete list of all important points, in connection with the proposition for your original brief, arising out of:*

A Study of the Origin and History of the Case, — and

A Study of Both Sides of All Phases of the Question.

Mark each point that is not to be considered as an issue with the reason for its exclusion.

Arrange the remaining points in heads and subheads as main and subordinate issues.

Exercise 48.

A. Informal debate.

Drawing the Brief

Exercise 49.

A. Advance text, *Drawing the Brief*, 203–215.

Exercise 50.

A. Review text, *Drawing the Brief*, 203–215.

B. Advance text, *Drawing the Brief*, 215–218, 228–235.

C. *Bring to class the Introduction to a brief based on the case for government ownership and operation of the railroads presented in Appendix G.*

Exercise 51.

A. Informal debate.

EXERCISE 52.

A. Review text, *Drawing the Brief,* 215–218.

B. Advance text, *Drawing the Brief,* 218–228, 235–245.

EXERCISE 53.

A. Review text, *Drawing the Brief,* 203–228.

B. Bring to class a complete brief of the case for government ownership and operation of the railroads as presented in the speeches given in Appendix G.

EXERCISE 54.

A. Informal debate.

[EXAMINATION]

EXERCISE 55.

A. Written hour examination on:

Defining the Terms, 135–145.
Surveying the Proof, 146–184.
Finding the Issues, 185–202.
Drawing the Brief, 203–245.

B. Announcement of schedule for formal debates throughout the remainder of the course, with schedule also for preliminary exercises in making Phase diagrams, first drafts of proof under the Phases, and full briefs. See specimen schedule in Appendix H.

[FORMAL DEBATES]

EXERCISE 56 through EXERCISE 63.

A. Eight formal two-speaker debates on propositions chosen for original briefs, *with full briefs due from each of the speakers at the time of the debate.*

Conviction

EXERCISE 64.

A. Advance text, *Conviction,* 246–268.

Exercise 65.

A. Written quiz on *Conviction.*

B. Review text, *Conviction,* 246–268.

C. Prepare, for extemporaneous delivery before the class, a short argumentative speech on some current event, illustrating the methods of emphasis by:

Iteration, — and

Suspense.

Exercise 66.

A. Ninth formal debate.

Persuasion

Exercise 67.

A. Advance text, *Persuasion,* 269–293.

Exercise 68.

A. Review text, *Persuasion,* 269–293.

B. Advance text, *Persuasion,* 293–303.

C. Prepare, for extemporaneous delivery before the class, a short argumentative speech on some current event, illustrating the four methods of persuasion by direct discourse.

Exercise 69.

A. Tenth formal debate.

Exercise 70.

A. Review text, *Persuasion,* 293–303.

B. Advance text, *Persuasion,* 303–321.

C. Prepare, for extemporaneous delivery before the class, a short argumentative speech on some current event, illustrating the methods of persuasion by concreteness and by a definite appeal to one of the motives mentioned in the text.

Speech-Composition

EXERCISE 71.

A. Advance text, *Speech-Composition,* 322–354.

EXERCISE 72.

A. Eleventh formal debate.

EXERCISE 73.

A. Review text, *Speech-Composition,* 329–354.

B. Prepare, for extemporaneous delivery before the class, a short argumentative speech on some current event, illustrating the personal and expository types of Introduction.

EXERCISE 74.

A. Advance text, *Speech-Composition,* 354–364.

B. Prepare, for extemporaneous delivery before the class, a short argumentative speech on some current event, illustrating both the summarizing and the personal types of Conclusion.

EXERCISE 75.

A. Twelfth formal debate.

Strategy

EXERCISE 76.

A. Advance text, *Strategy,* 365–402.

EXERCISE 77.

A. Review text, *Strategy,* 365–384.

B. Prepare, for extemporaneous delivery before the class, a short argumentative speech on some current event, illustrating the strategy of direct and overwhelming assault and the strategy of scattering the enemy's forces.

EXERCISE 78.

A. Thirteenth formal debate.

Exercise 79.

A. Review text, *Strategy*, 384–402.

B. Prepare, for extemporaneous delivery before the class, a short argumentative speech on some current event, illustrating the strategy of concealed objective.

[formal debates]

Exercise 80 through Exercise 90.

A. Eleven formal debates, making a total of twenty-four for the course.

APPENDIX B

Debate Topics

The following list of topics is given to aid the debater in choosing satisfactory subjects for debate. The suggestions contained in it are given in topic form, rather than in the form of propositions, for two distinct purposes: First, to give the debater experience in formulating his own propositions; and, second, to make the list more elastic and more permanent.

To aid the debater in choosing subjects that particularly appeal to him, the topics are arranged in groups under headings that indicate their general nature.

Election Machinery.

1. Control of Campaign Contributions.
2. Laws Establishing Compulsory Voting.
3. Abolition of the Electoral College.
4. The System of Nomination by Primaries.
5. Preferential Balloting.
6. The Short Ballot.
7. Uniform Suffrage Requirements.
8. The Initiative and Referendum.
9. The System of Recall.
10. Non-Partisan Municipal Elections.

Federal Government.

1. Adoption of a Responsible Cabinet System.
2. Restriction of Lobbying in Congress.
3. Change in the Date of Presidential Inaugurations.
4. Necessary Changes in the Diplomatic or Consular Service.

State Government.

1. Budget System of Appropriations.
2. Government by Commissions.
3. Sessions of the Legislature.
4. Size of the Lower House.
5. The Pardoning Power of the Governor.
6. Curbing the Representation of Huge Cities.
7. State Police.

City Government.

1. The Commission Form of Government.
2. The City Manager Form of Government.
3. Government Ownership of Public Utilities.
4. Contract System in Municipal Construction Work.
5. Municipal Markets.
6. Municipal Colleges and Universities

The Courts.

1. Election *vs.* Appointment of Judges.
2. Reforms in the Jury System.
3. Judge-Made Law.

Systems of Taxation.

1. Protective Tariff Measures.
2. The Income Tax.
3. The Inheritance Tax.
4. The Sales Tax.
5. The Single Tax.
6. The Method of Assessment.
7. The Taxation of Church Property.

Internal Improvements.

1. Conservation Policy.
2. Water-Power Development.
3. Inland Water-Way Development.

4. Anti-Pork Barrel Legislation.
5. Farmers' Aid Projects.

Government Ownership and Operation.

1. Government Ownership and Operation of Railroads.
2. Government Ownership and Operation of Telegraphs.
3. Government Ownership and Operation of Merchant Marine.
4. Government Ownership and Operation of Naval Ship-Building Plants.
5. Government Control of the Coal Mines.

Social Reform.

1. Government Employment Bureaus.
2. Government Aid for Unemployed.
3. Minimum Wage Laws.
4. Workman's Compensation Laws.
5. Compulsory Health Insurance.
6. Old-Age Pensions.
7. Preferential Legislation for War Veterans.
8. Prohibition Enforcement.
9. Regulation of Prize Fights.
10. Sunday Blue Law.
11. Uniform Marriage and Divorce Laws.
12. Motion-Picture Censorship.
13. Stage Censorship.
14. Capital Punishment.
15. Prison Reform.
16. Problem of Drug Fiends.
17. The Tipping System.

Immigration.

1. Illiteracy among Immigrants.
2. Immigration from Southeastern Europe.
3. Japanese Immigration.
4. Schemes for Americanization.
5. Enforcement of Immigration Laws.
6. Exclusion of Political Agitators.

Government of Outlying Territories.

1. Administration of Panama Canal Zone.
2. Disposition of the Philippines.

Foreign Relations.

1. The Monroe Doctrine.
2. The Integrity of China.
3. The Open-Door Policy.
4. The Freedom of the Seas.
5. Self-Determination.
6. International Coöperation.
7. Foreign Alliances.
8. American-British Relations.
9. American-French Relations.
10. American-German Relations.
11. American-Russian Relations.
12. American-Japanese Relations.
13. American-Near East Problems.
14. American-Far East Problems.
15. American-Mexican Problems.
16. American-Central American Problems.

The World Peace Movement.

1. A League of Nations.
2. A World Court.
3. A Super-State.
4. A Balance of Power.
5. Disarmament.
6. Military Training.
7. Army and Navy Policies.

Industrial Problems.

1. Women in Industry.
2. Children in Industry.
3. Industrial Democracy.
4. Coöperative Organizations.

5. The Closed *vs.* the Open Shop.
6. Compulsory Arbitration.
7. Kansas Industrial Court.
8. The Power of Injunction to Prevent Strikes.
9. Unionization of Government Employés.
10. Formation of a Labor Party.
11. Anti-Strike Legislation.
12. The Plumb Plan.
13. Industrial Detective Agencies.
14. The Adamson Law.
15. Outlaw Labor Unions.

Education.

1. Co-education.
2. The Gary School System.
3. High-School Fraternities.
4. Free Textbooks in Public Schools.
5. Inadequacy of High-School Preparation for College.
6. Examination System for Entrance to College.
7. Prescribed Courses in College.
8. Prerequisites for Professional Study.
9. The Four-Quarter System *vs.* the Semester System.
10. A Three-Year College Course.
11. Regulation of Extra-Curriculum Activities.
12. College Credit for Extra-Curriculum Activities.
13. The Honor System in College Examinations.
14. Professionalism in College Athletics.

APPENDIX C

Propositions for Criticism

The following propositions are offered as material for criticism in connection with the study of *Choosing the Subject:*

1. All colleges should revise their admission requirements especially in regard to the dead languages.
2. Something should be done to relieve the unbearable burdens inflicted upon people by the present income-tax laws.
3. The official attitude of the United States government toward Chinese and Japanese immigration should be reversed.
4. The refusal of the United States government to ratify the Treaty of Versailles was wise.
5. The United States should not adopt the British system of responsible cabinet government.

The following propositions were printed in *The Literary Digest* for April 1, 1922, as the demands of Turkey to which the Allied Powers must accede in order to restore harmony in the Near East:

1. The pre-war status must be restored in Constantinople and the Allied occupation of this city must be immediately discontinued.
2. Smyrna, as well as other territories occupied by Greece, must be unconditionally restored to Turkey.
3. No special privileges can be granted to the Christian minorities in territory of the Ottoman Empire, except those compatible with the Kemalist pact, as formulated by the National Assembly. Furthermore, the Allies must refrain from any intervention in favor of Armenians.

4. The Allies must recognize all the international treaties concluded by the government of Angora.
5. Complete independence must be assured to Turkey in military, economic, and financial questions.
6. The autonomous régime must be set up in Western Thrace, while Eastern Thrace must be restored to Turkey.
7. Turkey will have the right to have the army and navy she needs to protect herself from an eventual aggression.
8. The future status of the straits will be agreed to by Turkey and Russia.

The following partial propositions are taken from the platform of the Foreign Trade Council which met in Cleveland on May 7, 1921:

1. Immediate creation of foreign trade financing corporations under the provision of the Edge Act.
2. Increasing of imports of raw materials and of merchandise not detrimental to existing industries of the United States.
3. Delaying of the disposal of government-owned ships to private owners until more favorable prices can be obtained.
4. Enactment of the maritime insurance law.
5. Adoption of a uniform letter of credit as urged by the American Bankers' Association.
6. Enactment by Congress of a bargaining tariff.
7. Reorganization of the foreign service of the United States to provide unified supervision.
8. Creation of a foreign service trade training academy patterned after West Point.
9. Increased congressional appropriation for the bureau of foreign and domestic commerce and a bureau of standards of the department of commerce.
10. Enactment of the China trades act to permit the formation of American companies to trade in China on a plan of tax equality with foreign competitors.

11. Removal of income tax upon American citizens living abroad, and deriving their income from abroad.
12. Taxation of foreign postal communication and international parcels post.
13. Creation of congressional standing committees of foreign commerce.
14. Development of national waterways.
15. Expansion of international telegraphic communication under American control and operation.
16. Approval of the policy of the State Department regarding mandates.

APPENDIX D

Material for the Study of Evidence

The following excerpts are taken from the speeches delivered by the counsel for and against Louis Wagner, put on trial for his life, on a charge of murdering Karen and Anethe Christensen, at the Isles of Shoals, off Portsmouth, New Hampshire, in 1873.

The theory of the prosecution was that Wagner, a fisherman, rowed in a small boat from Portsmouth to the Shoals on the night of the murder, when he knew the two women were alone on the island, called Smutty Nose Island; that he murdered the two women, robbed them of their savings, and then returned before morning to his boarding house at Mrs. Johnson's, pretending that he had got drunk and was delayed until late in getting home.

First Excerpt — from the Speech for the Defense

The first proofs I direct your attention to are concerning the declarations of Wagner before the homicide, coming from Hontvet, Inglebretzen, Lee, and Charlie Johnson.

Mr. Inglebretzen tells you that Wagner told him three months before the murder, fixing the time first about three weeks before Christmas, and then sizing it down to the 20th of December, "that he was going to have money if he had to murder for it." He does not stop there. He does not give you that simple general statement that he is going to have money if he has to murder for it — that is not quite enough for him, but he goes and tells you he was going to have it in three months. And you will notice, gentlemen, that he fixes the time when the conversation took place a very little less than three months before the homicide, evi-

dently intending to have you believe it was in the general form that some make it, but he wants it minute, he wants to connect it with this transaction if possible, and, with no reason given or to be given, he puts it December 20.

Now Mr. Lee comes along and truthfully or under the guiding hand of somebody undertakes to add more to it and says that he told him that if he could get a boat to go down to the Shoals, he could get money enough down there. It was another conversation, as he says, but the design was to point to this transaction which took place within three months.

Charlie Johnson says that within a week or ten days of this transaction he told him he was going to have money if he had to murder for it, and Charlie wants to make certain of this and so he says Wagner repeated it a number of different times to him and told it in his father's bar-room in the presence of Kenniston, but you will remember that Kenniston does not remember any such thing.

Now what is this kind of stuff in for? Does the government officer intend to argue that Wagner on the 20th of December intended to murder these women, or that at the time Lee puts it he intended to go down to the Shoals and rob these women, or that he intended this homicide and told Charlie Johnson repeatedly of it and declared it openly in the bar-room? Do you mean to say that he went around proclaiming he was going to commit this murder? If this was true, he is a fit subject for the insane hospital, and if you believe their statements you must find him not guilty by reason of insanity. Who ever heard of a man going around and making proclamation of his intention to commit such a crime? Gentlemen, it is pure fabrication by these ignorant men, supposing it will convict the prisoner. Hontvet, and Inglebretzen, and Charlie Johnson are bound to convict him. Their imprecations upon him filled the air as he was led from prison in Portsmouth and their missiles were hurled at him to kill him.

Again, witness after witness was asked "if Wagner ever said anything to them about money." Very few of them answer in the affirmative. They want to show him in straitened circumstances; to get up some moving cause to commit this great offense. And what do they do? They show that on the 6th of March he owed only $12 — and had always paid his board promptly. Keep this in mind, gentlemen, he owed only twelve dollars — no one pressing for that — he was never even asked for it. Is that, pray tell me, gentlemen, the strong circumstance to support the motive for the commission of this crime? It is all there is. It is all they have. Does this show such a straitened condition that he voluntarily cries out upon the street that he must have money, if he has to murder for it?

The next declarations are alleged to have come from him on the morning after the murder. It is the declaration said to have been made to Mrs. Johnson, Mr. Johnson, and Mary Johnson. And what would they have you believe that they were? They say he came home in the morning in broad daylight marching through the streets of Portsmouth to his boarding place, and, after removing some of his clothes and washing himself, took breakfast, and then told Mrs. Johnson he never felt so bad in his life and that he felt as if somebody was after him; that he told this in the open bar-room, and, to make the thing stronger, that he sought out Mary Johnson and told her that he had got himself into difficulty and he felt as if he were going to be taken. This is the substance of the story as these witnesses give it to you.

Now what does he say about it? He tells you where he had been the night before. That he had been drinking so freely as to intoxicate him and produce vomiting. Had been subject to cold and without sleep, and that in this condition he said, "I feel awful bad, as when something is going to happen to me." Suffering from this debauch he says his head felt bad, and he hardly knew how to describe his feel-

ings. After committing such an atrocious crime as this, would he have come directly from the scene and told it to Mrs. Johnson, Mary Johnson, and the father in his place of business, publicly before all who were there?

Still the meagerness of the identification presses upon and haunts the prosecution, and now they go to Boston to see what he said there. From the boarding mistress they say he went to the little Dutchman's shoe shop. In that place there were certain occurrences and conversations, but the little Dutchman says that he remembers only two or three of them. All the others he forgets, some few of them he denies; but he says Wagner cast off his old shoe and put on the new one, and they would have us believe, not content with proclaiming for three months that he was going to commit the deed, and not content with confessing first to Mrs. Johnson, then to her husband in the bar-room, and then to Mary, he now goes to Boston and confesses it in the shoe store of this gentleman, the same thing in different form of expression, by saying, "I have seen women as still as that shoe." They would have us believe that he was fleeing from justice and yet talking in this manner. If he was guilty, could there be greater folly in a man; if innocent, why should he say it?

He tells you what he did say, and how he came to say it. He says the shoemaker was advising him to marry and details the conversation, and he says, "I then told him I did not care about girls, that I loved a girl once at home six years ago, and that in two years' time I had heard no news from her, that I thought she was dead; and by that time I was trying my boots on."

Now here was a Dutchman in conversation with a Prussian. Both using imperfect English and liable to misunderstand and misinterpret, to say nothing of the danger and the liability of misrecollection.

After Wagner was arrested they took from him certain articles in his pocket. You will recollect, in the opening by

the State's counsel we were told that a very important piece of evidence would occur in the article of a button. That it was so connected as to establish the prisoner's guilt. The importance of it was stated and restated and with such wonderful gravity that we really feared we had come upon some unfortunate and mysterious circumstance. In the course of the trial various mysterious packages were spread out on the table and with no inconsiderable display wrappers were removed and strings untied and there appeared among other things buttons; buttons not found on Wagner but similar to something we could hardly tell what. These remained upon the table until the close of the government case, when the attorney offers them; upon a suggestion made by us that they were not admissible and do not appear to be connected with the case, the court at once excluded them; thereupon, you will recollect that the learned solicitor for the county coolly arose in his place and declared to the court his own belief that they were inadmissible. Making all the previous parade and all his previous solemn declamation, and then endeavoring to introduce them when he believed them inadmissible.

The government have committed such portions of Wagner's clothing as they saw fit to the examination of a gentleman from Boston with a view to show that upon his clothing there appear stains of human blood. I have a word to say first concerning this theory or proposition that human blood can be distinguished from that of all other beings. It is an idea that has been entertained by some persons for some considerable period of time, and some worked themselves into considerable confidence in the practicability of their system of examination; but others and many others equally learned regard it as unsafe and uncertain, and in many cases they say that it is utterly impossible to distinguish between human blood and that of some animals. They say that when blood is taken fresh from the veins of a person and fresh from that of some animals, it may be

determined by a very careful, minute examination and by a system of measurements. But after it has been taken from its natural element — taken and separated from the serum in which it flowed — taken out of its natural surroundings and put into unnatural combinations, and also subjected in the transition to the action of elements it was not open or subject to in the veins, the experiment is entirely unsatisfactory.

The government have shown you how much of human blood they say was found upon the clothes. We may safely assume there was no more; at any rate there was no proof there was any more. In the first place do you find there was any more or even as much as you would expect to find on the fishing clothes of a man employed as he was? Isn't it quite clear there was indeed less than would ordinarily be found upon the fisherman's clothes? Such persons are constantly liable to injure their hands with the hooks they use, and in rowing and in drawing in lines. The fact is so apparent that there is no unusual amount of human blood upon these clothes that I pass it without detailing the evidence concerning it.

Now I come in this connection to another piece of evidence that the government have introduced, and this relates to a white shirt. This article of clothing has been made to play a conspicuous part in this case and it was regarded as one of the strong evidences of the prisoner's guilt, not so much because blood was found upon it as the fact of secreting it. It was said it was his and he secreted it, and they drew the inference that he committed the murder. They say that they found it in the ash-heap and that it was hid there because of the blood stains. First as to the identity of the shirt. This evidence comes from Mary, who testifies from a recollection of it as she saw it when washing and ironing it upon some previous occasion, and she testified to some matters about the collar. When cross-examined by my colleague these matters began to fade out,

and then she comes up with a new statement — new to the government officers as well as to everybody else, and that is that she saw him pass out with a bunch under his coat on the side under his arm the morning after the murder, as he was going through the kitchen. Now this fact she did not testify to in the direct examination, and you may well conclude they were ignorant of it. She puts it in to work against the prisoner and to fill up the gap of her other vanished reasons for knowing the shirt. It shows very clearly the temper of the witness toward the prisoner.

We are sure so far as we have any information on the subject, that the person who discovered the shirt in the ash-heap is not here nor his name mentioned. Mary was told that it had been discovered; and Entwissle was told that it had been discovered. Who made the discovery, when, and under what circumstances, I think you and I have yet to learn. I care nothing about this, however, not a single straw. When the prisoner was on the stand and the shirt was put into his hands, you saw his examination and heard his testimony about it. You heard his denial of it and the reasons he gave for it and saw the trial of it upon his arms and wrists, and you tried it yourself, and if what you saw and heard and did, does not satisfy you it is not his shirt, no amount of evidence would. Why, look at another fact standing out according to their testimony; this shirt had a single stain of blood at the lower end of the bosom, and only this stain; nothing upon the sleeves or shoulders or any other part: the prisoner goes up into his chamber, according to the testimony of the government witnesses, and lays off his blue frock, his outside garment, the one they have here and leaves it there, with all the blood they now find upon it, but, as they would have us believe, stealthily goes down to the ash-heap in the back-yard and buries a shirt with a single stain upon it. Leaves the outside garment, which, if he committed the deed, he might well expect was covered with blood, and hides a shirt with a single stain. Such a

story is preposterous. Again, is it not a little difficult to see how the spot got upon the lower part of the bosom of the shirt when he had on over it a colored shirt, a vest, a jumper or knit jacket, and a blue frock? And the shirt was hid where? Why, in the ash-heap back of his own house. There can be no question the shirt was not his nor secreted by him.

There is one other evidence of the identity of the prisoner relied upon by the government, and that relates to the pencil it seems a young man found two days after the murder, on Friday, in the entry of the house where the murder had been committed. The pencil was a common wooden pencil. The jury of inquest had been there the day before, besides the many other visitors, and none saw this pencil. Levi Mason is called. He says he saw Wagner in March last have such a pencil. Says he had it in his hand fooling with it. That he was some six or seven feet from him. This is all he knows about it and yet he swears this is the identical pencil he saw him have. Gentlemen, you saw him on the stand, heard his testimony — I cannot think any one of you believed anything he said. The idea of identifying a lead pencil he saw only for a moment, then six or seven feet distant from him, with nothing to call his attention to it, shows the witness to be either demented or foolish.

The inquiry will naturally suggest itself to you why some of the many who were there on Thursday did not see this pencil if he left it there the night before. Is it not much more reasonable that some of the jury or some of the others who were there dropped this piece of pencil and then Inglebretzen, when there the next day, picked it up? If the prisoner left it there Wednesday night, it was passed over by all the visitors there on Thursday, and on Friday until the afternoon of the day, undiscovered by anyone.

Again, gentlemen, what do they want us to believe the prisoner had this pencil out for? Do they mean to argue

that he had it out to make a memorandum of the fact he had committed the murder, so as not to forget it, or to pencil down the amount of money he found? How was he going to make much use of this article in the dead of night anyway?

Second Excerpt — from the Speech for the Defense

Looking first at the evidences of identification at Smutty Nose Island, what do we find? Under the direction of the Court, we have in the case the declarations of three persons. Mrs. Hontvet says that the first she heard was from Karen, who cries out, "John has scared me, John has scared me." That was Karen's declaration. That was Karen's identification. Now, gentlemen, I do not mean to argue from the testimony in this case that it proved that John Hontvet was there. I do not state this evidence for that purpose; but the evidence does show that whoever he was, he did not appear to Karen to resemble Wagner. She had known Wagner for a long time and intimately. Much longer and more intimately than Anethe, who had but a comparatively short acquaintance with him. Karen had been an inmate of the house with him many months and had frequently and recently seen him in Portsmouth. The man, whoever he was, did not appear to be Wagner. That she looked to discover as far as was possible under such circumstances may well be supposed if she had not declared who she thought it was. The fact that she did declare who in her opinion it was shows that she looked long enough to form an opinion and that the examination did not suggest to her mind the prisoner. This it may be said was a mere casual glance and not to be relied upon; but, gentlemen, you will recollect that after this occurred, when the parties came into collision and personal combat of face to face takes place, she still says it is John. That "John is killing me, John is killing me," and after Mrs. Hontvet gets her into her room and holds the door against her assailant, and while she tells

her to get out of the window and flee away, she does not in any manner change her opinion.

Now here are two facts of great importance in this case. One is that the person did not resemble Wagner in the judgment of one well acquainted with him, and the repetition made by her of this fact adds to its force. She had the means of knowing better than any one there. Mrs. Hontvet says that when she looked into the room, he was standing by an uncurtained window in a moonlight night, and it did not even occur to her that it was Wagner.

Wagner tells you that at a certain time in the morning, he came into the house of Johnson; where he went in; what rooms he passed through; that he sat down upon the sofa; and in course of time, fell asleep upon that sofa. This he told to gentlemen in Boston immediately upon his arrest, and this, too, he told all the way along; and gentlemen, it is not too much to infer, or at least, suspect, that he may have testified to it at South Berwick; but I say he had told it at that earlier period of time, and all the way thus, and upon the stand now has told the story, how it took place, and who contradicts it? Nobody, but John Hontvet. How does he contradict it and when does he contradict it? He says that he was out and in through that room at various times and did not see him there. That is the declaration in the morning. Later in the day, he comes and undertakes to put a man by the name of Loud upon that lounge all night, and till five o'clock in the morning, and at that time he went off and left him. He is the man, mind you, who has shown himself in the manner he has; the man who conducted himself in the manner he did in the crowd which surrounded that prisoner, and the man who sought, while this prisoner was in the hands of the officers of the law, to take his life; himself the would-be murderer. You have noticed, perhaps, the long cross-examination that was had of Mrs. Johnson. It was for the purpose of reaching the truth, which ultimately did appear from her, that Loud was in

bed upstairs on that morning when she got up, and she never, from that time to this hour, knew that he was on the lounge otherwise than as John Hontvet has stated. They trust to John Hontvet for this story. She, unsuspecting what we were seeking for, tells you that Loud was in bed in the morning when she got up — very early. Loud was not called by the government to prove where he was — to prove that he lay on this lounge, and to what period of time. John Hontvet saw somebody there, he says, on that lounge until after five o'clock. If he did, and Loud was in bed upstairs, is that not entirely consistent with the prisoner's story? They cannot now be allowed to say there was no man on the lounge, Loud not being there, because Hontvet says there was a man there — he saw him there.

Now from the earliest moment of time down to the present, after his arrest, he has always told parties, as far as the evidence shows here, that at a certain time in the evening, he fell down near a pump, and lay there some time near this pump. This has not even been regarded as of sufficient importance, by the government, to seek to disprove the statements; but somehow or other, some government order, post haste last night, was sent for the whole force of these Portsmouth police to come in here and prove that they did not see him there near the pump. Now, I cannot, even in this case, help making the remark, that it is a strange kind of effort for the government to make, to prove that a policeman did not see anything; for courts almost take judicial notice of the fact that they do not see anything, except what they want to, and whenever you want one of them, you are not able to find him, and you would not very often expect to find him in the immediate vicinity of a pump either. Now, there is a long string of witnesses brought in here to show that Mr. A. and B. and C. did not see this man lying down there by the pump, and because they did not see him there, they ask you — for the responsibility is not

resting on them — because they did not see him there, they ask you to convict him of the murder of these two women.

Third Excerpt — from the Speech for the Prosecution

Wagner says the two glasses of ale got him drunk and he started and went through Market St. and Court St., and as he was going by a pump, he slipped down upon the ice that cold night, and lay there until two o'clock; that he went to sleep there, rheumatic as he was, and froze his feet. The officers who patrolled that street have been on the stand here. They tell you, that during those hours they saw no man lying at the pump, although it was a bright moonlight night. He asks you to believe this absurd story.

What next? At two o'clock, he got up from his bed on the ice, and started for his bed at Johnson's. He entered the back door, went through the kitchen, down five steps; went through the kitchen past the door of his bedroom upstairs, down five steps into the middle room, and through a door into another room, the back shop, crossed that, and lay down upon a lounge, where he slept till five o'clock.

Now, what was the situation of that house that night? Under what circumstances was he lying there upon that lounge the two or two and a half hours? John C. Hontvet was in that front room, in the front shop, adjoining this room, with a door opening into it, — John C. Hontvet and Christensen, both at work there till after six o'clock in the morning. They commenced their work between twelve and one o'clock, and were engaged there all night. Both these witnesses so testify. Loud was there, and Hontvet testified that he, Loud, after helping them from one to two, or thereabout, lay down upon that lounge, and lay there till towards five o'clock and then he went to bed. Mr. Kennistón testified that he went to bed about half past twelve and Loud was there then, and if it had been possible to have Loud here at an earlier day, we should have had him here,

but we could not get him until after the testimony had closed for the government, except the introduction of rebutting testimony, and then it was not admissible. But we offered him. There was one light in the back shop on the counter, where the pitcher of water was, and they had one side light in the front shop where they were baiting trawls. In this back shop was the stove from which the front shop was warmed. With these two men, then and there at work all night, going in and out for water, and Loud upon that lounge, you are asked to believe the most absurd statement by the prisoner, uncorroborated, as it is, by one single fact or one single witness, that he entered that shop unseen and slept upon that lounge unnoticed from two o'clock till daylight! Why did he say he lay upon that lounge? Why did he not say he went upstairs to bed? When he came in that morning he committed himself to the lounge, or committed himself to the fact that he was in the house. He said to Mrs. Johnson, "Did you hear me when I came in last night?" "No, sir," she replied, "and your bed was not tumbled." Now what must he say? Where else could he go to lie down, but on that solitary lounge? He forgot Hontvet and Christensen were there at work. "Oh, but I lay on the lounge," said he. "How is that? Hontvet and Christensen were there at work," said Mrs. Johnson. Then he was in a dilemma, but he sticks to the statement that he lay upon the lounge, contradicted by all the testimony in the case. Then, again, he tells you that he came in at that back door; that Mrs. Johnson always left it open for him, when he was out late. Mrs. Johnson testified that she bolted that door at past twelve o'clock that night; and her daughter held the light for her when she did it. She had usually left that door open for Wagner and Kenniston to come in at, when they were out late at night baiting trawls; but that night Hontvet and Christensen were in the front room, and the front door was unlocked; so she said, "I guess I won't leave the whole house open," and

went and bolted that back door, and her daughter held the light. Kenniston came in at half past twelve o'clock, as he testified, went to the sink, which is by the door, to wash after baiting trawls, and he said that he saw that that door was bolted. Again, Mrs. Johnson testified that she was up first in the morning, at half past five, and Hontvet and Christensen were there then, and that she unbolted that door herself that morning. Are these witnesses impeached? Is their testimony impaired? Is any confidence to be placed in human testimony, when corroborated by so many circumstances, by so many witnesses corroborating each other? Yes, impeached by the testimony of this one man here, on trial for his life, and who has such a powerful reason to impeach it; by nobody else.

Now, Mrs. Hontvet tells you that the man who killed Karen and Anethe was Louis Wagner. She saw him through the open window, saw him in the bright moonlight. True, she saw only the side of his face, for he had his hat down over his eyes. She saw his form, his figure, — his shape, and his size; she was close to him, within three or four feet. She heard Anethe cry, "Louis." She went to the open window, and there he stood, "So near that he could lay his elbow on the window-sill." Did she not recognize him? She tells you she did. She tells you "That man was Louis Wagner." He was well known to her, had lived in her family seven months. The learned counsel tells you she never would have thought of Louis Wagner, in connection with the deed, if Anethe had not cried "Louis!" — had not suggested him to her mind; and hence that her recognition is no more than the recognition of Anethe. Well, what was the recognition of Anethe? Did not Anethe know him? Did she not recognize him? She saw him, called him by name, exclaimed, "Louis, Louis," many times. No one had suggested his name to her mind; his name had not been mentioned. On the contrary, mark the point, while Anethe was shut up in her bed-room, she had heard the name of

John only. "John scared me," "John kill me," and thought it was John, John Hontvet. She jumped out of the window to escape from John, and there expected to meet nobody else but John. But when she got out of the house and saw the murderer's face, saw him face to face in the moonlight, she changed her mind and called him Louis! Did she know him and recognize him, under these favorable circumstances? Why did she not call him John? She knew it was Louis.

My learned friend argues that if both women had cried "Louis," their recognition would have made a much stronger case, but as Karen cried "John," and Anethe, "Louis," it is a balanced case. Infinitely stronger is the recognition of Anethe than if Karen also had cried "Louis." Karen saw him in the house in the darkened room, with the curtains down, a fact my learned friend had forgotten. In her fright half waking and half sleeping, she instinctively called him "John," because John was expected and no one else.

Gentlemen, you have seen Mrs. Hontvet on the stand; you have heard her testimony, and you must have been impressed with her perfect truthfulness. She told you everything just as it was, even connecting her husband's name with the terrible deed. "John kill me." John, her husband! Oh, the agony of that woman, for that moment. But she tells you all, keeping back nothing, though it renews to her the pangs of that night. If she had been untruthful, how easy to have said, Karen also called him Louis. If she had so much desired the conviction of this prisoner, as has been suggested, would she not at least have kept back the name of her husband from connection with the terrible crime? But no, she tells the truth, the whole truth, keeping back nothing. John was the name she heard from Karen and she tells you so. Louis was the name she heard from Anethe and she tells you so. In the curtained room, it was "John," but out of doors, face to face, in the full moonlight, it was "Louis."

APPENDIX E

Material for the Study of the Categorical Syllogism

The student should be able to expose the unsound reasoning in each of the following arguments by demonstrating that it violates one of the rules for the categorical syllogism and also by showing that it cannot satisfy the requirements for a diagram of a valid syllogism.

I. This coin is not gold; for
   A. All is not gold that glitters; and
   B. This coin glitters.

II. Republicans are not to be trusted; for
   A. Partisans are not to be trusted; and
   B. Republicans are partisans.

III. All institutions of higher learning grant the degree of bachelor of arts; for
   A. All colleges grant the degree of bachelor of arts; and
   B. All colleges are institutions of higher learning.

IV. Cheating in college examinations should not be punished; for
   A. Crime should be punished; but
   B. Cheating in college examinations is not a crime.

V. No cripple is an officer of the law; for
   A. No cripple is a policeman; and
   B. All policemen are officers of the law.

APPENDIX F

Material for the Study of Fallacy

The student should be able to demonstrate the existence of a particular fallacy in each of the following pieces of reasoning:

1. He who harms another should be punished. He who communicates an infectious disease to another person harms him. Therefore he who communicates such a disease should be punished.
2. The power of the railroad employees in the field of transportation is supreme, inasmuch as they could tie up the whole country, because of the helplessness of the railroad companies to resist their demands.
3. The United States should seek to build up the strongest army and navy in the world; for no one has pointed out any conclusive reason why this should not be done.
4. Colonies should not rebel against the mother country for colonies are children, and children should obey their parents.
5. No one can believe what he does not understand; therefore there are no mysteries in true religion.
6. The United States should repeal its prohibition amendment; for George Washington, who was accustomed to use liquor, was a man whom none could despise.
7. Only the good are fit to die; therefore, capital punishment is wrong.
8. The State of Maine and the State of Kansas found it impossible to enforce a prohibition law; and, therefore, the United States can expect no better result.

9. An advertisement reads: "This is the best household flour because it is the best for all baking purposes."
10. The State should grant pensions to widowed mothers; because sixteen States are now doing this.
11. An honest man is the noblest work of God. Mr. A is an honest man; therefore, he is the noblest work of God.
12. The industrial depression in America after the World War was due to the Democratic administration; because this depression followed immediately after this administration.
13. In reply to the gentleman's arguments, I need only say that two years ago he advocated the very measure which he now opposes.
14. To allow every man an unbounded freedom of speech must always be, on the whole, advantageous to the State; for it is highly conducive to the interests of the community that each individual should enjoy a liberty perfectly unlimited of expressing his sentiments.
15. No institution of higher learning in the United States enjoys a higher scholastic reputation than Harvard. This graduate of Harvard, therefore, must be a profound student.

APPENDIX G

Material for Exercises in Brief-Drawing

The following three speeches represent the Affirmative case in the intercollegiate debate of the year 1918, on the proposition: — Resolved: That, within twenty-one months after the declaration of peace, Congress shall provide by legislation for permanent government ownership and operation of the railroads in the United States.[1]

First Affirmative

The war has brought us face to face with many serious problems of internal policy, but none of these is more vital to the nation as a whole and to every individual within it than the problem involved in the question: What shall we do with the railroads? On the solution of this problem depends the life and welfare of us all. To all of us, therefore, it is essential that the railroads shall be maintained upon a basis that will guarantee to the highest degree, adequate, efficient, and uninterrupted service.

To any one who is familiar with railroad history, however, it has become more and more apparent year by year that the railroads cannot guarantee adequate, efficient, and uninterrupted service. Early in their history, without any government regulation, the railroads grew like mushrooms, and by a system of cut-throat competition, eventually threatened to bring about

[1] Case of Dartmouth College debaters in Dartmouth-Colgate debate of 1918.

their own extermination. For them to guarantee adequate, efficient, and uninterrupted service was, therefore, impossible.

Following this first period, there came another period involving government regulation which has proved equally vain in the attempt to guarantee these requisites. Under regulation, the railroads have found it harder and harder to make both ends meet, and they have lost the prime requisite to success in any enterprise: namely, — business initiative. The result is well known. One after another, many of the roads have gone into bankruptcy, and their properties have deteriorated. They have been unable to cope with labor; they have failed to meet the transportation needs of the country; and finally, they have collapsed completely under the burden that was placed upon them in 1917. Within less than two years, we have seen again, therefore, that the railroads cannot guarantee adequate, efficient, and uninterrupted service.

From sheer necessity, the government took over the control of the railroads in order that their inefficiency under private management might not involve the country in ruin and defeat during the greatest crisis of history. To date, therefore, we find the railroads under a system of government control, which can guarantee adequate, efficient, and uninterrupted service, and which differs from a system of government ownership only in the fact that the government has not yet assumed title to the roads.

The present condition cannot continue, however, for it was created only as a temporary expedient. Either the railroads must be returned to their private owners, or they must be taken over permanently by the government. With this necessity before us, therefore, to solve the problem in the one way or the other, the Affirmative proposes that, within twenty-one months after the declaration of peace, Congress shall provide by legislation for permanent government ownership and operation of the railroads in the United States. By this proposal, we mean simply that the government shall take over the title to the railroads, and continue to operate them under a system essentially similar to that under which they are now being

operated. This means that the awkwardness, the rigidity, the tardiness, and the irresponsibility of all methods of regulation will be abolished, and that, in their place, will be substituted the direct centralized, responsible control of the government alone.

In advocating this solution of the problem, we shall base our case on three main points, as follows:

I. Private ownership of the railroads with government regulation has proved a failure.

II. Government ownership is the only alternative for the country in controlling the railroads.

III. Government ownership will meet the vital transportation needs of the country.

For my own part, I shall endeavor to prove that private ownership of the railroads with government regulation has proved a failure, for: First, under private ownership with government regulation, the railroads *have* failed to meet the vital transportation needs of the country; and, second, under private ownership with government regulation, the railroads *cannot* meet the vital transportation needs of the country.

First, let me show you that the railroads *have* failed to meet the vital transportation needs of the country. According to the statement of an Interstate Commerce Commissioner, the railroads, for years, have failed to handle satisfactorily the peak load, or maximum load, that is put upon them during certain seasons. Not in one year, only, have they failed; but they have failed through a period of years. Their most outstanding failure, however, occurred in the year 1917. Then they failed to prevent congestion and car-shortages so that industry and commerce were almost paralyzed; and then they failed to move coal and foodstuffs so that both their country and our allies were seriously threatened. They failed to such an extent that every terminal east of the Mississippi and north of the Potomac was choked with idle freight-cars. Because 150,000 freight-cars remained unloaded at terminals, the railroads could not

provide facilities for an equal amount of traffic that was waiting to be loaded. Such a failure in a time of need may, without exaggeration, be termed a collapse.

The railroads failed to meet the demands of traffic, and they failed to maintain proper facilities for handling traffic. They failed to maintain their rolling-stock, and to provide adequate or modern repair shops and freight terminals. In the years just prior to the great collapse, they annually junked more locomotives and more cars of all descriptions than they added to their stock. They failed to build repair shops or round-houses to accommodate modern engines, and the result was that 175 engines on two roads alone were put out of commission by the freezing and bursting of their pipes while they were left out on the tracks awaiting repairs. The railroads failed to provide proper repair shops and they also failed to provide proper freight terminals. An instance of this failure is to be found in New York, where the New York Central did nothing, according to its directors, for forty years to develop its freight terminal.

The railroads, however, have not only failed in these many ways, but they have failed also to prevent repeated labor troubles from threatening suspension of traffic. In March, 1910, labor troubles threatened to tie up 110,000 miles of railroad, and in December of the same year they threatened to tie up 150,000 miles of road. In 1913 the railroad brotherhoods threatened to tie up the whole country; and again, in 1917, when we were on the verge of war, the brotherhoods declared their purpose to be to call a general strike. During all these troubles the railroads under private ownership were unable alone to cope with the situation.

In view of these many failures, I think I have proved that the railroads *have* failed to meet the vital transportation needs of the country. Now, let me prove that they *cannot* meet the vital transportation needs of the country. They cannot meet these needs, because an alarming number of railroads have gone into bankruptcy or are operating on a non-paying basis. In 1916, 76,000 miles of railroads, or 26 per cent of the total mile-

age, was in bankruptcy, and 40 per cent of the stock was not paying dividends. In only one year between 1910 and 1916 was the operating income of the railroads sufficient to pay the dividends on their stock and the interest on their debt; and the average operating income for all these years was less than 5.36 per cent, which the Interstate Commerce Commission held to be necessary in the public interest.

It is evident, therefore, that the railroads *have not* and *cannot* meet the vital transportation needs of the country. One of my colleagues will elaborate this argument further, and show that this failure is due to the fact that the railroads are under a system of private ownership and government regulation.

Our case for the Affirmative rests on three points: that private ownership of railroads with government regulation has failed; that the only alternative is government ownership; and that government ownership and operation will meet the vital transportation needs of the country. The Affirmative believes if it proves these points, then it has established its contention that, within twenty-one months after the declaration of peace, Congress shall provide by legislation for permanent government ownership and operation of the railroads in the United States.

Second Affirmative

My colleague has stated for you the grounds on which the Affirmative bases its case, that within twenty-one months after the declaration of peace Congress should provide by legislation for permanent government ownership and operation of the railroads of the United States. He has pointed out to you the three main issues on which this debate hinges. They are:

First: That private ownership of railroads with government regulation has proved a failure.

Second: That government ownership and operation is the only alternative for the country in controlling the railroads.

Third: That government ownership and operation will meet the vital transportation needs of the country.

In my colleague's limited time, I think he has proved to you conclusively that private ownership of the railroads with government regulation has proved a failure; for he has shown that under private ownership with government regulation the railroads have failed to meet the vital transportation needs of the country, inasmuch as the railroads have failed repeatedly to meet abnormal demands on traffic; they have failed to maintain proper repair facilities and have allowed their rolling stock to deteriorate; and they have failed repeatedly also to prevent labor troubles from threatening a complete suspension of traffic. He has also shown that private ownership of railroads with government regulation has proved a failure; because under private ownership with government regulation, the railroads cannot meet the vital transportation needs of the country; for they are threatened with complete financial collapse.

We feel sure, ladies and gentlemen, that you must agree with us that private ownership of the railroads with government regulation has proved a failure, in view of the facts that the railroads have not and cannot meet the vital transportation needs of the country.

Now it becomes my privilege to prove for you that the failure of the railroads to meet vital transportation needs of the country is due directly to the fact that the railroads are under a system of private ownership and government regulation. I shall do this by showing you that this system of dual control has brought conflicting aims into the management of the railroads; and that these conflicting aims have destroyed private initiative, prevented effective coöperation, eliminated responsibility, and substituted dilatory judicial processes for prompt executive action. From these immediate effects of dual control, we need advance but one step further to see the ultimate effects in a failure to meet demands of traffic, a failure to cope with the demands of labor, and a failure to keep the railroads on a sound financial basis.

First, then, let me point out to you the conflicting aims of private ownership and government regulation. Under this dual system of control, the government seeks persistently to obtain maximum service and minimum rates, and the private owners seek persistently to give minimum service for maximum rates.

What has been the result of this conflict? The government has had the upper hand; for it can fix standards for service and also determine rates. Since the aim of the government, however, is exactly opposite to that of the private owners, the government has made, and will make, its demands for service exorbitantly high, and it has made, and will make, rates extortionately low. These have been the conditions under which private owners have operated the railroads, and whenever the government has consented to readjust them, its consent has been delayed so long by the judicial process of investigation through commissions, that the roads, in the interval, have experienced serious financial embarrassment. The result of all this has been that many roads have been driven into bankruptcy, while others cannot earn an adequate return on the capital invested, and the public has suffered and will suffer in deteriorated service.

The conflict of aims in the unequal partnership between the government and the private owners has worked in other ways, also, to deteriorate the railroad service of the country. It has destroyed all responsibility in the running of the railroads; for with government regulation hampering every move of the private owners, they *cannot* accept responsibility; and the government, on its part, *will not* accept responsibility. The hard conditions, then, imposed by the government, and the helpless, irresponsible position of the private owners have destroyed private initiative and therefore deteriorated service. This, however, is not all. The irresponsibility of the government, coupled with its unlimited power of interference, has led to labor unrest, has threatened the suspension of traffic, has raised labor costs without increasing rates, and has thereby deteriorated service.

Government regulation in combination with private ownership

has operated in all these ways to deteriorate railroad service, and yet there is one more way in which it has prevented the roads from meeting vital demands of transportation. Under private ownership, initiative in railroad service can be secured only through enforced competition between parallel lines. The government has, therefore, prevented combinations between competing roads; but, in so doing, it has lost all the advantages of a unified system in a natural monopoly.

I believe, then, that I have proved for you that the combination of private ownership and government regulation is responsible for the condition of our railroads. It is responsible for the fact that railroads cannot meet abnormal demands of traffic; it is responsible for the fact that railroads cannot cope with the demands of labor; and it is responsible for the fact that railroads cannot avoid complete financial ruin.

Now let us take a general survey of our case. We have proved that private ownership of railroads with government regulation has been a failure. Next we shall prove that government ownership of the railroads is the only alternative that the country has for the solution of the railroad problem; for private ownership with regulation has failed; and all, or any, modifications of government regulation must fail.

The desperate strait in which the private owners find themselves is made manifest in no better way than by the number of plans they have advanced to retain the roads in their hands. No less than thirty-nine different plans have been advanced, and they vary in their recommendations all the way from a government guarantee of interest on investments to control by the railroad brotherhoods of laborers.

We trust that the Negative will not attempt to uphold any of these plans; for we know that they must realize, as well as we, that no one of them will remove the fundamental defects of all forms of government regulation. There is no one of these plans that will overcome the conflict in aims between the private owners and the government; there is no one of these plans that will restore private initiative; there is no one of these plans that

will secure complete coöperation among the railroads; there is no one of these plans that will fix ultimate responsibility for running the railroads; and there is no one of these plans that will secure prompt executive action in the place of dilatory judicial procedure through investigating commissions. If the Negative has the hardihood to present one of these plans, we wish to know specifically what changes they are going to make in present methods for securing an adequate return on money invested. We wish to know specifically how they are going to restore private initiative. And we wish to know how they are going to make the government accept responsibility for its regulative acts.

The Negative, ladies and gentlemen, cannot present a plan for regulating the railroads that will solve these problems, and therefore they must agree with us that government ownership is the only alternative for the country in controlling the railroads.

Let us briefly now take one more rapid survey of the Affirmative case. We have proved that private ownership of the railroads with government regulation has failed and that government ownership is the only alternative. Our next speaker will prove that government ownership will meet the vital transportation needs of the country. By establishing these three issues we believe that we have proved that within twenty-one months after the declaration of peace Congress should provide by legislation for permanent government ownership and operation of railroads in the United States.

Third Affirmative

The fact is that the railroads under private ownership with government regulation have failed to give efficient and uninterrupted service to the public. Excuses can be made but the facts cannot be denied. It may be contended with questionable accuracy that government ownership in foreign countries has not been an unqualified success. This, however, is no reason

why the American people should endure inadequate, interrupted and inefficient service. To give mere explanations of the despicable, awkward, tardy, and irresponsible railroad service under private ownership is not meeting the fundamental problems in this debate. The fact is that the railroads under private ownership have failed to meet the demands of traffic, failed to provide proper terminals, failed to maintain adequate rolling stock, failed to meet the harvest demands of traffic every year since 1900, failed in the upkeep of their lines, failed to provide sufficient freight cars, repair shops, and general equipment, failed to meet the necessary demands in a national emergency. When the government took over the control of the roads they were back in their upkeep, alone, more than $491,000,000 and the depreciation of the value of the securities of the roads in bankruptcy since 1910 was over $719,000,000. In short, the railroads were in a perilous condition, to say the least, when the government took them over.

Certainly it will be admitted that there is a railroad problem in this country and the question is, can we afford to patch up the roads and continue experimenting with private ownership and government regulation, or shall we take a confident step forward? The Negative have merely endeavored to excuse the contemptible failure of the roads under private management. Their solution would be to patch and experiment and temporize with the most vital industry in the United States. Their suggestions have thus far been incomplete and incomprehensive. Undoubtedly when there is no longer any opportunity for examination they will tacitly admit the failure of the roads under the old system and then begin to offer some temporary experimental suggestions for improvement.

Examine their suggestions for yourself to see if they will guarantee prompt executive action, insure responsibility, restore initiative, and guarantee coöperation. From our own examination of the thirty-nine or more experimental projects, we find that in every case there still exists an unequal partnership between the government and private owners, with the result that

these requirements of adequate service are not realized. The case of the Affirmative therefore stands intact.

I. Private ownership with government regulation has proved a failure.

II. The only alternative is government ownership.

Let us now prove that government ownership will meet the vital transportation needs of the country.

Don't be confused by the delusions of the Negative. By this proposal we simply mean that the government shall at the expiration of the twenty-one month period take over the title of the roads and operate them under a system like that under which they are now being operated. The questions of bond issues, kind of rails, appointment of officers, schedules and the rest will be met as they are at present. The questions which concern us are: Will this system secure prompt executive action? Will this system insure responsibility? Will this system restore initiative? And, will this system guarantee coöperation? Consider the experience of one year and a half. During the first four months of government control, car shortage was reduced 70 per cent; 6,500,000 troops were moved in nine months; 135,000 more cars of grain were handled in one month than in any corresponding month of previous years; 1,328 commendations, as compared with only 714 complaints, were received by the bureau of suggestions and complaints. Wages were increased $600,000,000; and the estimated reports of the income for the year 1918 will show a profit of $100,000,000, in spite of great increases in the operating expenses. This saving was the result of more economical use of terminals, cars, labor, and the rights of way. On a group of selected items alone more than $85,000,000 was saved. By re-routing a total of 17,800,000 car-miles was saved in the Eastern and Northwestern sections alone. One hundred thirty-eight terminals were consolidated with a saving of $1,434,000. Unnecessary track was torn up and used to advantage at needed points; 16,000,000 tons of coal in excess of the amount for the year 1917 were moved from the Great Lake region to the Northwest. Seven hundred fifty-

eight officers were employed as compared with 907 the previous year, with a saving of $1,115,000.

In the light of these facts, I believe you will agree with us that government ownership has met and will meet the vital transportation needs of the country. First, by re-routing, unification of terminals, and more economical use of equipment, the railroads have been placed on a sound *financial* basis; second, by the substitution of direct management for round-about conflicting judicial processes, *responsibility* has been assured; third, by the increase in wages, the abolition of dilatory judicial processes, and the better treatment of employees, *harmonious relations* with labor have been secured; fourth, by the introduction of many economies, the *initiative* of the roads has been maintained; and fifth, by the elimination of commissions, state boards, and duplicated authorities, *unification* of the roads and complete *coöperation* have and will be secured.

In short, by the elimination of an unequal partnership between the government and profit-seekers, the economies of unified management, the advantages of centralized responsibility, the absence of dilatory processes of control, have given and will continue to give adequate, efficient, and uninterrupted service to the country.

The plan of the Affirmative is direct and practical; and it will guarantee adequate, efficient, and uninterrupted service to the country. The temporary, inconclusive, patched-up, experimental suggestions of the Negative have perilous weaknesses, and will not accomplish these results.

We believe, therefore, that we have established the following points: First, that private ownership with government regulation has proved a failure; second, that the only alternative is government ownership; and third, that government ownership will meet the vital transportation needs of the country. Having proved these points, we believe that we have established the proposition that, within twenty-one months after the declaration of peace, Congress shall provide by legislation for permanent government ownership and operation of the railroads.

APPENDIX H

Specimen Schedule for Formal Debates

Inasmuch as the making of a schedule for debates that are to take place in a class is likely to be a very complicated matter, the following specimen schedule is offered with the hope that it may prove serviceable to teachers.

SPECIMEN SCHEDULE

Names of Debaters	Number of Proposition	Choice of Subjects	Diagrams, Preliminary Phase-Outlines	Full Briefs	Debates
Fulton *v.* Kost	1	Ex. 3		Ex. 56	Ex. 56
Arnold *v.* Wettling . . .	2	Ex. 3		Ex. 57	Ex. 57
Sutherland *v.* Garrett . .	3	Ex. 3		Ex. 58	Ex. 58
Lawyer *v.* Hunter . . .	4	Ex. 3		Ex. 59	Ex. 59
Owen *v.* Clinton	5	Ex. 3		Ex. 60	Ex. 60
White *v.* Childs	6	Ex. 3		Ex. 61	Ex. 61
Brooks *v.* Cook	7	Ex. 3		Ex. 62	Ex. 62
Mabie *v.* Jordan	8	Ex. 3		Ex. 63	Ex. 63
Fulton *v.* Wettling . . .	9	Ex. 57	Ex. 60	Ex. 63	Ex. 66
Kost *v.* Arnold	10	Ex. 57	Ex. 63	Ex. 66	Ex. 69
Sutherland *v.* Hunter . .	11	Ex. 59	Ex. 66	Ex. 69	Ex. 72
Garrett *v.* Lawyer . . .	12	Ex. 59	Ex. 69	Ex. 72	Ex. 75
Owen *v.* Childs	13	Ex. 61	Ex. 72	Ex. 75	Ex. 78
Clinton *v.* White	14	Ex. 61	Ex. 75	Ex. 78	Ex. 80
Brooks *v.* Jordan . . .	15	Ex. 63	Ex. 75	Ex. 78	Ex. 81
Cook *v.* Mabie	16	Ex. 63	Ex. 78	Ex. 80	Ex. 82
Fulton *v.* Arnold	17	Ex. 69	Ex. 78	Ex. 81	Ex. 83
Kost *v.* Wettling . . .	18	Ex. 69	Ex. 80	Ex. 82	Ex. 84
Sutherland *v.* Lawyer . .	19	Ex. 75	Ex. 81	Ex. 83	Ex. 85
Garrett *v.* Hunter . . .	20	Ex. 75	Ex. 82	Ex. 84	Ex. 86
Owen *v.* White	21	Ex. 80	Ex. 83	Ex. 85	Ex. 87
Clinton *v.* Childs . . .	22	Ex. 80	Ex. 84	Ex. 86	Ex. 88
Brooks *v.* Mabie	23	Ex. 82	Ex. 85	Ex. 87	Ex. 89
Cook *v.* Jordan	24	Ex. 82	Ex. 86	Ex. 88	Ex. 90

The exercises on this schedule are adjusted to conform with the assignments in the *Suggested Course of Study* given in Appendix A.

This specimen schedule presupposes that, when propositions are chosen or assigned, they will be posted in a list on a bulletin board in a class room and will be given a number to which reference is made in the second column of the schedule.

The abbreviation *Ex.* on the schedule stands for *Exercise.*

The assignments for diagrams and preliminary Phase-outlines mean that the debaters should hand in at the time of those exercises a diagram for the full fifteen Phases of their case as shown on pages 181–182 of the text, with outlines of the proof in chains of reasoning to be used in support of each of the points drawn off from these diagrams.

Where the specimen schedule records by number the various exercises, calendar dates should be substituted on the actual schedule.

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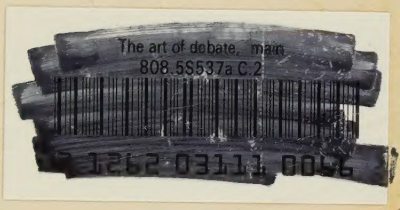
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